



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9609 of 2019

1. C.Yesaiah
2. R.Paul
3. S.Karuppiah
4. M.Mahaesh Kumar

... Petitioners/Accused
A3,4,5 and 7

Vs

The Inspector of Police,
Thiruvengadam Police Station,
Thirunelveli.
(Crime No. 36/2019).

... Respondent

For Petitioner : M/s.E.Marees Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 36/2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 286, 337, 338, 304(2) of I.P.C and Section 9(B)(1)(a) of Explosives Act, 1884, in Crime No.36 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that in this case, A-1 was already arrested and subsequently, he was released on bail. He further submitted that A-1 has so far paid Rs.3 lakhs to each one of the victims' family (Totally a sum of Rs.21 lakhs) and apart from that, the Government has also paid Rs.1 lakh



to each family. He further submitted that A-2 was already granted anticipatory bail by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

3. The learned Additional Public Prosecutor appearing for the respondent has submitted that A-1 was already arrested and subsequently, he was released on bail. He further submitted that A-1 has so far paid Rs.21 lakhs to the victims' family and apart from that, the Government has also paid Rs.1 lakh to each family. However, he strongly opposed this petition as investigation is in progress. However, he fairly conceded that this Court has already granted anticipatory bail to A-2 in CrI.O.P.(MD).No.4680/2019, dated 15.04.2019.

4. Considering the fact that A-1 was already arrested and subsequently, released on bail, also the fact that A-1 has so far paid Rs.21 lakh to the victims' family and apart from that, the Government has also paid Rs.1 lakh to each one of the victim's family and also the fact that this Court has already granted anticipatory bail to A-2, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, THIRUNELVELI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
THIRUVENGADAM POLICE STATION,
THIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.E.MAREES KUMAR Advocate SR.No.11369

ORDER
IN
CRL OP(MD) No.9609 of 2019
Date :09/07/2019

VS

PK/JC/SAR-4/18.07.2019 : 3P/6C