



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9682 of 2019

1. Rajkumar
2. Jegadeesan
3. Raja
4. Sureshkumar

... Petitioners/Accused Nos.1 to 4

Vs

The State rep. by
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District,
(Crime No. 94 of 2019).

... Respondent/Complainant

For Petitioners: M/s.S.Udhayakumar,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in crime 94 /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 147,
148, 341, 323, 379 (NP) and 506 (ii) of IPC, in Crime No.03 of
2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
<https://hcservices.ecourts.gov.in/hcservices/>
submitted that with regard to the Co-operative Bank election, a
false case has been foisted against the petitioners. He further



submitted that even though it is stated in the FIR that the defacto complainant and his driver were attacked by the petitioners herein with hand, neither of them went to the hospital for taking treatment and that itself shows that the case is a false case and therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) has appearing for the respondent has filed a counter stating that on 02.07.2019 at about 10.00 a.m, the petitioners waylaid the defacto complainant's car and assaulted the defacto complainant and his son with hands and when one Raja and others intervened, these petitioners escaped through their car and subsequently, again the defacto complainant was waylaid by the same persons and robbed a sum of Rs.10,000/- from the defacto complainant. Hence, she strongly opposed this petition.

5. Taking into consideration the aforesaid fact and also the allegations made in the FIR itself that the petitioners attacked the defacto complainant and his son stating that how can you file nomination in the Co-operative Bank election and that also would show that the dispute is only with regard to the filing of nomination and also the fact that in the counter it is not stated that either the defacto complainant or his son went to any medical treatment, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, No.I, Usilampatti, Madurai District, on condition that the petitioners shall 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:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

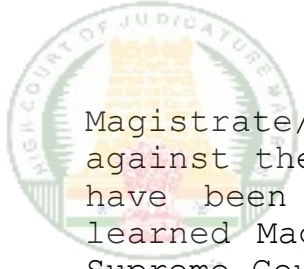
(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>

(v) 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].

WEB COPY
(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I USILAMPATTI, MADURAI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9682 of 2019
Date :15/07/2019

dss
JM-I/VR/SAR-2/23.07.2019/3P-5C