



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9684 of 2019

1. Kaviarasan@kaviyarasu

2. Vasantha

... Petitioners/Accused Nos.2 & 4

Vs

The State rep.by,
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(Crime No.268 of 2019).

... Respondent/Complainant

For Petitioner : M/s.A.Azhageson,
Advocate.

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

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

PRAYER :-

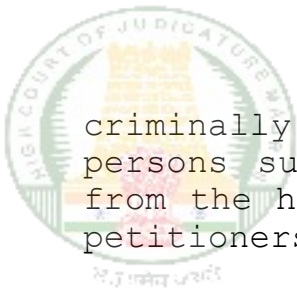
For Anticipatory Bail in crime 268 /2019 on the file of the
Respondent police

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 294 (b,
323, 324 and 506 (ii) of IPC r/w 3 Of TNPPDL (Tamil Nadu Public
Property (Prevention of Damage & Loss) Act, 1992, in Crime No.268 of
2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent persons and they have
been falsely implicated in this case. He further submitted that even
as per the FIR, due to previous enmity, the petitioners along with
other accused persons attacked the defacto complainant and



criminally intimidated him. He further submitted that the injured persons sustained only simple injuries and also he was discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that it is a case in counter case. He further submitted that the petitioners have assaulted the defacto complainant and criminally intimidated him and hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital.

5. Taking into consideration the fact that the injured persons sustained only simple injuries and he was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Lalgudi, Trichy 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 first petitioner 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. The second petitioner is being a aged lady, she shall report before the respondent police for a period of one week 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.

(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].



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

sd/-
10/07/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, LALGUDI,
TRICHY DISTRICT
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION, TRICHY DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.A.AZHAGESON Advocate SR.No.11572

ORDER
IN
CRL OP(MD) No.9684 of 2019
Date : 10/07/2019

DSS
PK/JC/SAR-1/16.07.2019 : 3P/6C