



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21233 of 2018

and

CRL MP(MD) No.1097 of 2019

1 BALAJI
2 PERIYASAMY @ VAITHIYANATHAN
3 PRASANNA
4 KRISHNAKUMAR
5 RAJESWARI

... PETITIONERS/ACCUSED No.1 to 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TRICHY DISTRICT,
CRIME NO.312/2018

... RESPONDENT/COMPLAINANT

MURUGAN

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT
IN CRL MP(MD)No.1097/2019

For Petitioners : MR.A.UTHAYAKUMAR, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervenor : MR.R.J.KARTHICK, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 427, 294(b), 448, 506(i) and 120 (B) IPC in Cr.No.312 of 2018 on the file of the respondent police, seek anticipatory bail.



fifth petitioner and the defacto complainant. Due to the same, the clinic of the defacto complainant was damaged worth about Rs.3,50,000/-, for which, the respondent police registered a case.

3.The learned counsel for the petitioners would submit that due to previous enmity, this false case has been foisted against the petitioners and they did not commit any offence as alleged by the prosecution. On earlier occasion, this Court directed the fifth petitioner to make the payment of Rs.2,00,000/- to be handed over to the defacto complainant. Further, the learned counsel on instructions submitted that without prejudice to the right of the petitioners, the fifth petitioner is ready to deposit a sum of Rs.2,00,000/- to the credit of Cr.No.312 of 2018 and the same may be disbursed to the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is still pending.

5.The learned counsel for the intervenor accepted the proposal and agreed to vacate the premises after receiving the said amount.

6.Considering the facts and circumstances of the case, 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, Thuraiyur, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the fifth petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Cr.No.312 of 2018. The learned Judicial Magistrate, Thuraiyur, Trichy District, is directed to disburse the same to the defacto complainant after having verified the identity of the defacto complainant and after receiving the said amount, the defacto complainant immediately shall vacate the premises;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, THURAIYUR, TRICHY DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION, TRICHY DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.UTHAYAKUMAR, Advocate SR.No.2802
+1. CC to MR.R.J.KARTHICK, Advocate SR.No.2648

ORDER
IN
CRL OP(MD) No.21233 of 2018
and
CRL MP(MD) No.1097 of 2019
Date : 07/02/2019

MM

PK/PN/SAR-1/13.02.2019 : 2P/7C