



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

Date : 10/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9716 of 2019

1. Adimai
2. Chandrasekar
3. Sathish @ Santhiya Sathis,
4. Kennadi
5. Amstrong

... Petitioners/Accused
No.1,2,6,9 & 13

Vs

The State Rep. by its,
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No. 31 of 2019).

... Respondent/Complainant

For Petitioner : M/s.A.Karthik,
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.31 of 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, 341, 294 (b), 506 (ii) and 307 of IPC, in Crime No.31 of 2019, seek anticipatory bail.

2. Heard both sides.

3.This is the second application. The first application was dismissed on the ground that similar type of cases are pending against all the petitioners.



4. Now, the learned counsel appearing for the petitioners has submitted that after filing this petition, the petitioner No.3 was arrested on 05.07.2019 and remanded to judicial custody. He further submitted that insofar as the petitioner No.4 is concerned, no previous case is pending. He further submitted that even as per the FIR, the petitioner No.4 assaulted one Mariyadas with aruval on the left leg. Except the said allegation, no other allegation made against him. He further submitted that the injured sustained only simple injury and he was also discharged from the hospital. Insofar as the petitioner No.5 is concerned, the allegation against him is that he made only criminal intimidation. Except the said allegation, no other allegations were made against him and hence he prayed to grant bail to the petitioners 4 & 5.

5. The learned Additional Public Prosecutor appearing for the respondent has submitted that already one case is pending against the petitioners 1, 2, 3 & 5 under Section 307 IPC, and hence, he strongly opposed to grant anticipatory bail to the petitioners 1, 2, 3 & 5.

6. Insofar as the petitioner No.3 is concerned, since he was arrested and remanded to judicial custody, this petition is dismissed. Insofar as the petitioner No.4 is concerned, since no previous case is pending and the allegation against him is that he assaulted one person with aruval on the left leg and caused simple injury, this Court is inclined to grant anticipatory bail to the petitioner No.4 with certain conditions. Insofar as the others petitioners are concerned, since one previous case is pending under Section 307 IPC, this Court is not inclined to grant anticipatory bail to them.

7. Accordingly, petitioner No.4 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameshwaram, on condition that the petitioner No.4 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 petitioner No.4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner No.4 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 petitioner No.4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner No.4 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.

7. Insofar as petitioners 1, 2, 3, & 5 concerned, this petition is dismissed.

sd/-
10/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, RAMESHWARAM

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.KARTHIK Advocate SR.No.11581

ORDER
IN
CRL OP(MD) No.9716 of 2019
Date : 10/07/2019

dss