



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9898 of 2019

1. Winsent @ Vincent Raja,
2. Jagadeesan @ Jagadeeswaran,
3. Jothikumar,
4. Venkatesan @ Venkatesh,
... Petitioners/Accused No.2,3,7&10

Vs

State rep by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime.No.182 of 2019).
... Respondent/Complainant

For Petitioners : M/s.R.Murugan,
Advocate.
For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

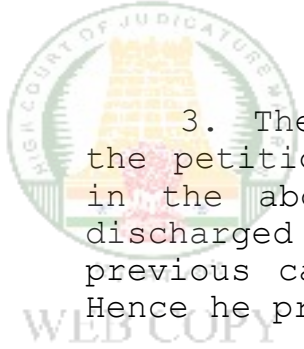
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.182 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
341,147,148,294(b),323,324,307 and 506(ii) of IPC seeks anticipatory
bail.



3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the injured was discharged from the hospital. He would further submit that no previous case is pending against the third and fourth petitioners. Hence he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit there are totally eight accused involved in this case. He further submitted that as per the First Information Report due to wordy quarrel on 16.06.2019 at about 12.30 p.m the petitioners and two other attacked the defacto complainant with iron rod and cricket bat. Hence he opposed to grant anticipatory bail to the petitioners. However he fairly conceded that A6 in this case is already granted anticipatory bail to the petitioner. He further submitted as against the first petitioner two cases are pending and as against the second petitioner three cases are pending and if the petitioners are released on bail they will indulge in similar type of offences and hence he strongly opposed for granting bail to the first and second petitioner.

5. Taking into consideration the fact and circumstance of the case and also considering the fact that the injured was discharged from the hospital and no previous case is pending against the third and fourth petitioners, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4 petitioner by imposing conditions

[6] Accordingly, the third and fourth petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram 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:

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

[b] the third and fourth 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 third and fourth petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[d] the third and fourth 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 third and fourth petitioners in accordance with law as if the conditions have been imposed and the third and fourth 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.

7. As regards the first and second petitioners are concerned, since there are previous cases pending against them, this petition is dismissed.

sd/-
19/07/2019

/ TRUE COPY /

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

TO

- 1 JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.MURUGAN Advocate SR.No.11972

ORDER
IN
CRL OP(MD) No.9898 of 2019
Date :19/07/2019

KM/JC/SAR-II (01.08.2019) 3P 6C