



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9749 of 2019

1. Nandakumar,
2. P.Lakshmanan,,
3. R.Prabhu,,
4. C.Kamalanathan,, ... Petitioners/Accused 1 to 4

Vs

The State By
The Inspector of Police,
Sholavandan Police Station,
(Crime No.328/2016). ... Respondent/Complainant

For Petitioners : M/s.S.Sathish Rajan,
Advocate.
For Respondent : Mrs.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

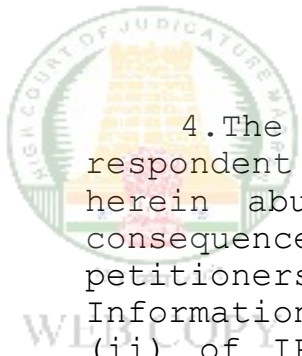
For Anticipatory bail in Cr.No.328 of 2016 on the file of the respondent police.

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), 352 and 506(ii) of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have submitted that the petitioners are innocent and they have been falsely implicated in the above case. Hence, he prayed to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that due to money dispute the petitioners herein abused the defacto complainant and threatened with dire consequences. Hence she opposed to grant anticipatory bail to the petitioners. She would further submit, initially the First Information Report was registered under Sections 294(b), 323 and 506(ii) of IPC since no one sustained injury, the section has been altered as 294(b), 352 and 506(ii) of IPC and alteration report has also been filed before the concerned Magistrate.

5. Taking into consideration the fact that there is no specific allegation levelled against the petitioners herein and also the fact that no one sustained injuries in the said occurrence, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthangarai 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, UTHANGARAI.

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

3 THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to MR.R.RAJARAMAN, Advocate (SR-11582[I] dated 11/07/2019)

ORDER

IN

CRL OP(MD) No.9749 of 2019

Date :11/07/2019

aav

AE/JC/SAR-IV (17.07.2019) 3P 6C