

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

Date : 18/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9954 of 2019

1. Palani
2. Veerasooran

... Petitioners/Accused No.1 & 2

Vs

State rep.by,
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No. 190 of 2019.

... Respondent/Complainant

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

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 190 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 294(b),
323, 324 and 506(ii) of IPC, in Crime No.190 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
not committed any offence as alleged by the prosecution. Hence, he
prayed to grant anticipatory bail to the petitioners.

4.Per contra the learned Government Advocate (Criminal Side)
for the respondent submitted that due to previous enmity, on
07.07.2019, the petitioners along with other accused persons waylaid

the defacto complainant and attacked him with wooden log and caused injuries. Investigation is still pending. Therefore, she opposed this petition. However, she fairly conceded that the injured has been discharged from the hospital.

5. Taking into consideration of the aforesaid facts and also the fact that the injured has been 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, Aruppukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the 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 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/-
18/07/2019

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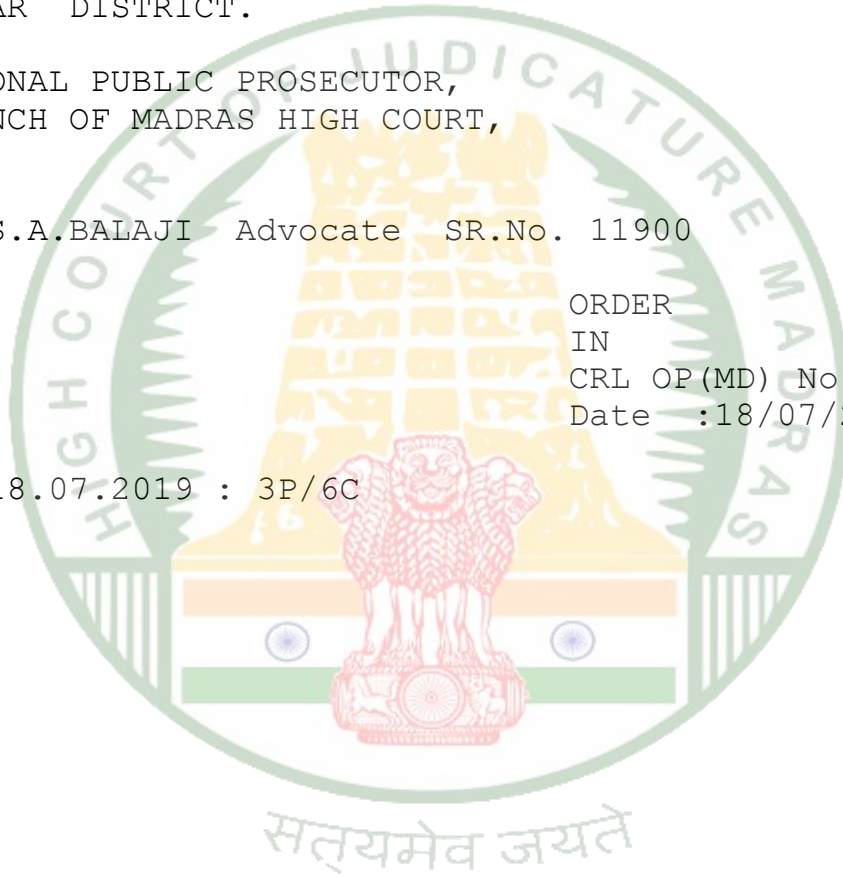
TO

- 1.THE JUDICIAL MAGISTERATE, ARUPPUKOTTAI
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.BALAJI Advocate SR.No. 11900

ORDER
IN
CRL OP(MD) No.9954 of 2019
Date :18/07/2019

DAS
PK/JC/SAR-1/18.07.2019 : 3P/6C



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