

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.9990 of 2019

1. Ashokan
2. Jayachandra Prabhu @ Selvam ...Petitioners/Accused No.1 & 2

Vs

State Rep.by  
The Inspector of Police,  
Theni Police Station,  
Theni District.  
Crime No.463 of 2019. .... Respondent/Complainant

For Petitioners: M/s.S.Balaji, 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 Cr.No.463 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 Section 295 IPC and Section 3 of TNPPDL Act, in Crime No.463 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there was a civil dispute between the petitioners and the defacto complainant with regard to a temple situated in their locality and a civil case is also pending before concerned Court. He further submitted that even though the petitioners have not committed any offence, in order to show their bonafide without prejudice to their defence, they are ready to deposit a sum of Rs.10,000/- and hence, he prayed to grant to anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent has submitted that investigation is pending and therefore, he opposed this petition.

5. Taking into consideration of the aforesaid facts and also the fact that the petitioners are prepared to deposit a sum of Rs.10,000/- without prejudice to their defence, this Court is inclined to grant anticipatory bail to the petitioner 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, Theni, 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:

(i) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.463 of 2019, before the learned Judicial Magistrate, Theni.

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/07/2019

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

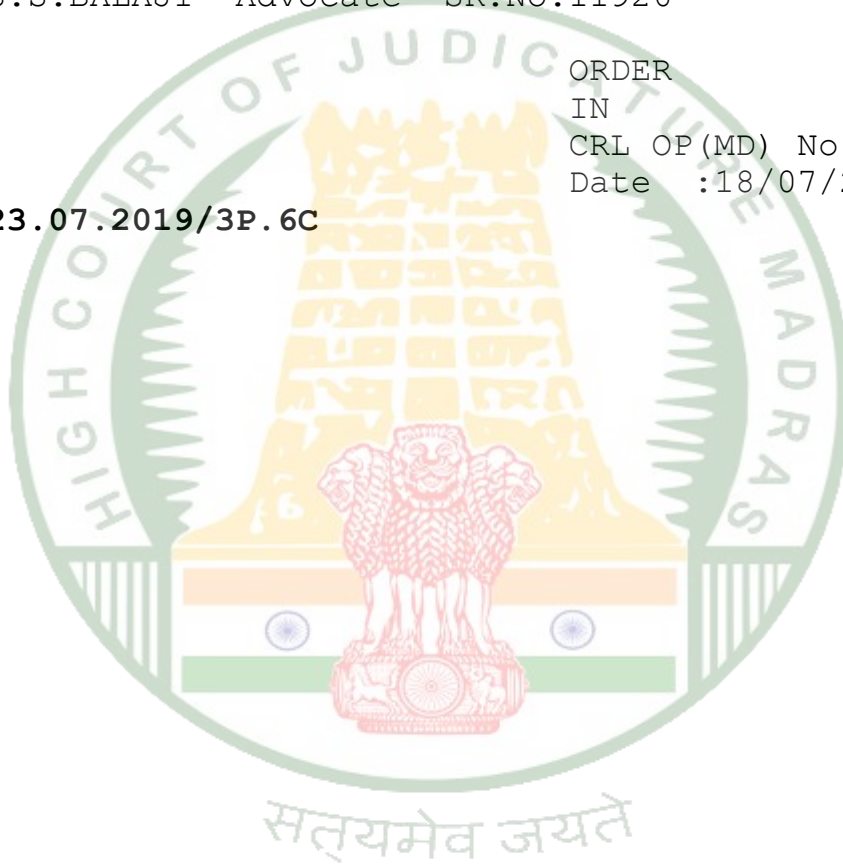
TO

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

+1. CC to M/S.S.BALAJI Advocate SR.No.11926

ORDER  
IN  
CRL OP(MD) No.9990 of 2019  
Date :18/07/2019

**MS/PN/SAR-3/23.07.2019/3P.6C**



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