



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10383 of 2019

1. Ramesh
2. Rakkupitchai

... Petitioners/Accused No.1 & 2

Vs

The sate rep.by,
The Inspector of Police,
Rameswaram Temple Police Station,
Ramanathapuram District.
(Crime No.22 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

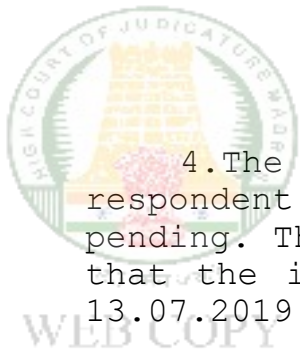
for Anticipatory bail in Crime No.22 of 2019 on the file of the
respondent police

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),
324 and 307 of IPC in crime No.22 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that due to ulterior motive, a false case has been lodged
against the petitioners. He further submitted that the injured has
already been discharged from the hospital and hence, he prayed for
grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the injured has already been discharged from the hospital on 13.07.2019.

5.The FIR has been registered based on the complaint given by the wife of the injured. In the said complaint, she has stated that her husband Manikandan(injured) had illegal contact with the wife of one Rakku Muniyandi and due to the said enmity, on 27.06.2019 at about 5.00 p.m, the brothers of the said Rakku Muniyandi viz., Accused No.1 and 2 (petitioners 1 and 2) attacked the said Manikandan with Aruval and caused injuries.

6.Taking into consideration the aforesaid facts and the submission made by the learned Additional Public Prosecutor that the injured has already been discharged from the hospital on 13.07.2019, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

7.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, Rameswaram, Ramanathapuram District, 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) If the petitioners fail 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.

WEB COPY

sd/-
26/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3. THE INSPECTOR OF POLICE
RAMESWARAM TEMPLE POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.S.MUNIYANDI, Advocate SR.No.12354

ORDER
IN
CRL OP(MD) No.10383 of 2019
Date :26/07/2019

VSG

PK/VR/SAR-4/29.07.2019 : 3P/6C