

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10204 of 2019

1. R.Pandi,
2. V.Mohan Doss,
3. R.Govindaraj, ... Petitioners/Accused A1 to A3

Vs

State represented by,
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No.161 of 2019. ... Respondent/Complainant

For Petitioners : Mr.M.Prabhu,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.161 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 147,
294(b), 364, 323, 379 and 506(ii) of IPC in Crime No.161 of 2019,
seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that due to civil dispute with regard to putting bore, a
false case has been registered against the petitioners. He further
submitted that the petitioners are innocent and they have been

falsely implicated in the above case. He further submitted that in the FIR it is stated that alleged occurrence took place on 29.05.2019 at about 08.30 P.M, the complaint was lodged only on 09.07.2019 that is after more than one month and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioners and other accused persons kidnapped the defacto complainant and robbed a sum of Rs.3,750/- from him and also TVS Star City bike worth about Rs.15,000/-. She further submitted that investigation is still pending. Thus, she opposed this petition.

5.Taking into consideration the fact that in the FIR it is stated that alleged occurrence took place on 29.05.2019 at about 08.30 P.M, the complaint was lodged only on 09.07.2019 that is after nearly more than one month and also the fact that in the FIR itself the defacto complainant has stated that already civil dispute is in existence between the parties with regard to putting bore, this Court is inclined to grant anticipatory bail to the petitioners by imposing 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 No.II, Kovilpatti, 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.

sd/-
22/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to MR.M.PRABU, Advocate (SR-12113[I] dated 23/07/2019)

ORDER
IN

CRL OP(MD) No.10204 of 2019
Date :22/07/2019

vsg

AE/PN/SAR-I (25.07.2019) 3P 6C

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