



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10250 of 2019

1. Kalimuthu
2. Balamurugan
3. M.Shanmugaya Pandi ... Petitioners/Accused No.1 to 3
Vs

State rep. by
The Inspector of Police,
Mandala Manikkam Police Station
Ramanathapuram District.
Crime No.27 of 2019. ... Respondent/Complainant

For Petitioner : M/s.R.Alagumani,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27 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, 307 and 506(ii) of IPC in Crime No.27 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to wordy quarrel, a false case has been registered against the petitioners. He further submitted that a counter case has also been registered. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. He further submitted that except the offence under Section 506(ii) of IPC, all other offences are



bailable in nature. 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 already A2 and A3 were arrested and remanded to judicial custody. He further submitted that investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

5. Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital and also the fact that a counter case has also been registered in Crime No.28 of 2019 under Sections 341, 294(b), 323, 324 and 506(ii) of IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, and also the fact that already A2 and A3 were arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the first petitioner alone by imposing certain conditions.

6. In so far as the petitioners 2 and 3 are concerned, during the pendency of the petition, they were arrested by the respondent Police. Hence, this petition is dismissed in respect of the petitioners 2 and 3.

7. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, on condition that the first 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:

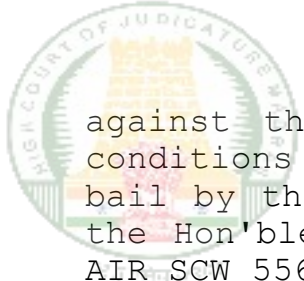
(i) If the first petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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].

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

sd/-
22/07/2019

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

TO

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

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.12077

ORDER
IN
CRL OP(MD) No.10250 of 2019
Date :22/07/2019

vsg
JMN/JC/SAR-2/24.07.2019/3P-6C