



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

WEB COPY

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP(MD). No.10769 of 2019

Perbed, ... Petitioner/Accused No.II
Vs

State represented by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No.31 of 2019).

... Respondent/Complainant

For Petitioner : M/s.K.Gokul,
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.31 of 2019 on the file of the
Respondent Police

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 341, 294(b), 506(ii) and 307 of IPC, in Crime No.31 of 2019,
seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that due to previous enmity a false case has been foisted
against the petitioner. He further submitted that this Court
already granted bail to the Accused No.9 in Crl.O.P.(MD).No.9716 of
2019. He further submitted that the injured sustained only simple



injury and he was discharged from the hospital. Hence, he prayed to grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that due to previous enmity the petitioner along with other accused persons unlawfully assembled together and waylaid the defacto complainant and attacked him by using deadly weapons. Hence, he objected to grant bail to the petitioners.

5.The only allegation is made against the petitioner is that he associated with other accused persons have criminally intimidated to the injured persons.

6.Taking into consideration of the aforesaid fact and already this Court granted bail to the Accused No.9 in CrI.O.P.(MD).No.9716 of 2019, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the 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, Rameswaram, 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 petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

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



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

sd/-
31/07/2019

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

TO

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

+1. CC to M/S.K.GOKUL Advocate SR.No.12610

ORDER
IN
CRL OP(MD) No.10769 of 2019
Date :31/07/2019

KM/JC/SAR-I (06.08.2019) 3P 6C