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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10540 of 2019

1. Karuppu @ Subramanian
2. Rasu, W/o. Vellausamy

... Petitioners/Accused 1 & 2

Vs

State rep. by
The Sub Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
Crime No. 49 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Rajeshwaran,
Advocate.

For Respondent : Mr.A.P.G.Ohmchairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

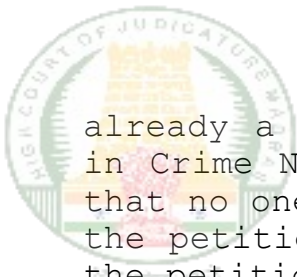
For Anticipatory Bail in Crime No. 49 of 2019 on the file of
the Respondent Police.

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),
352 and 506(i) of IPC in Crime No.49 of 2019, seek anticipatory
bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
<https://hcservices.ecourts.gov.in/hcservices/> submitted that due to previous enmity, a false case has been
registered against the petitioners. He further submitted that



already a case has been registered against the defacto complainant in Crime No.48 of 2019 and as a counterblast. He further submitted that no one sustained injury and no previous case is pending against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that no one sustained injury and no previous case is pending against the petitioners.

5.Taking into consideration the fact that no one sustained injury and also the fact that a counter case has also been registered against the defacto complainant and also the fact that no previous case is pending against the petitioners, 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, Devakottai, Sivagangai 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 one week 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI, SIVAGANGAI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
 - 3 THE SUB INSPECTOR OF POLICE
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.RAJESHWARAN Advocate SR.No.12427

ORDER
IN
CRL OP(MD) No.10540 of 2019
Date : 26/07/2019

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JMN/PN/SAR-1/01.08.2019/3P-6C