



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

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PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10552 of 2019

1. S.Baskaran,
2. S.Veluchamy, ... Petitioners/Accused Nos.1&2
Vs

State Represented by
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tirunelveli District.
(Crime No. 252 of 2019).

... Respondent/Complainant

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

For Respondent : Mr.A.P.G.Ohmchairma Prabhu,
Government Advocate

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

PRAYER :-

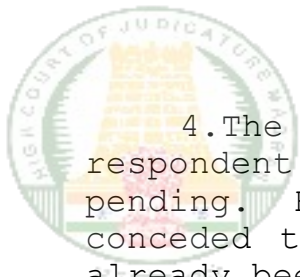
For Anticipatory Bail in Crime No. 252 of 2019 on the file of
the Respondent Police.

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 323,
324, 294(b) and 506(ii) of IPC in Crime No.252 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that due to civil dispute, a false case has been
registered against the petitioners. 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), all other offences are bailable in
nature. 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 investigation is still pending. Hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

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5. Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital, 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, Sankarankovil, 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/-
26/07/2019

/ TRUE COPY /



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

+1. CC to M/S.S.MUTHUKRISHNAN Advocate SR.No.12400

ORDER
IN
CRL OP(MD) No.10552 of 2019
Date :26/07/2019

KM/JC/SAR-II (01.08.2019) 2P 6C