



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10876 of 2019

1. Akash
2. Upalton
3. Ajith
4. Jude
5. Lazar
6. Andro @ Anto

... Petitioners/Accused No.2,3
and 5 to 8

Vs

State rep. by
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
(Cr.No.239/2019).

... Respondent/Complainant

For Petitioner : M/s.V.Malaiyendran,
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.239/2019 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), 323 and 506(ii) of IPC in Crime No.239 of 2019, seek
anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard both sides.



3. The learned counsel appearing for the petitioners has submitted that due to civil dispute, a false case has been foisted 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 a counter case has been registered against the defacto complainant. He further submitted that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and hence, he prayed for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioners are having one previous case in various Sections. Hence, she opposed this petition. However, she 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 been registered and also the fact that in the previous case, the petitioners are on bail, this Court is inclined to grant anticipatory bail to the petitioners with 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, Thiruchendur, 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) Considering the submission made by the learned counsel for the petitioners that the petitioners are fishermen and they go in to sea for fishing in the early morning and, hence, he requests this Court to impose condition in the evening. Therefore, the petitioners shall report before the respondent police daily at 5.30 p.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/-
01/08/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.12699

ORDER
IN
CRL OP(MD) No.10876 of 2019
Date :01/08/2019

vsg
JMN/PN/SAR-4/06.08.2019/3P-6C