



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10948 of 2019

1. Ajay,
2. Kannan,
3. Saran @ Saranraj,
4. Paulraj,
5. Mugesh,
6. Aravinth @ Aravindhasamy, ... Petitioners/Accused No.1to6

Vs

State rep by
The Inspector of Police,
Arumuganeri Police Station,
Tuticorin District (Crime.No.183 of 2019).
... Respondent/Complainant

For Petitioner : M/s.S.Mandhiralingeswaran,
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For anticipatory bail in Cr.No.183/2019 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, 148, 448, 294(b), 427 and 506(ii) of IPC in Crime No.183 of 2019, on the file of the respondent Police, seek anticipatory bail.



2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have not committed any offence. However, he further submitted that the petitioners are ready to deposit the cost of damage. Therefore, he prayed for grant of anticipatory bail to the petitioners.

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3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that enraged over the death of one Gowri, who is the relative of the petitioners, the petitioners have caused damage to the household articles of the defacto complainant. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the petitioners have no previous case.

4.Considering the submission made by the learned counsel for the petitioners that the Police has not shown the value of the properties said to have been damaged by the petitioners, also the fact that since one Gowri committed suicide by setting fire and also the allegations made against the petitioners that since the said Gowri was loving the defacto complainant's son and subsequently, she set fire herself and enraged by the same, the petitioners have caused damage to the household articles and also the submission made by the learned counsel for the petitioners that each petitioner is willing to pay a sum of Rs.5,000/- towards the cost of damage, without prejudice to their contentions, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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 each 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:

[a] each petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Cr.No.183 of 2019, before the learned Judicial Magistrate, Thiruchendur, without prejudice to their contentions before executing bail bond.

[b] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c] 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 for the interrogation.



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
TIRUCHENDUR

3 THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
TUTICORIN DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MANDHIRALINGESWARAN Advocate SR.No.12888

ORDER
IN
CRL OP(MD) No.10948 of 2019
Date :05/08/2019

KM/JC/SAR-II (08.08.2019) 3P 6C