

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11227 of 2019

1.R.Suresh Kumar
2.J.Sankar
3.T.Balamurugan
4.P.Kumaran
5.P.Sivasakthi

... Petitioners/Accused

Vs

The State Rep by.
The Inspector of Police,
Perunali Police Station
Crime No.153 of 2017

... Respondent/Complainant

For Petitioners : M/s.M.Karthikeya Venkitachalapathy,
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 Crime No.153 of 2017 on the file of the respondent

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), 452 and 506(i) of IPC and Section 3 of the Public Property (Prevention of Damages and Loss) Act, 1992, in Crime No.153 of 2017, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that a false case has been registered against the petitioners. He further submitted that the petitioners are innocent

persons and they have been falsely implicated in the above case. However, on instruction, he submitted that the petitioners are willing to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) without prejudice to their contention. 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 petitioners and other accused persons damaged the roofed house of the defacto complainant worth about Rs.20,000/-. Thus, she opposed this petition. However, she fairly conceded that the petitioners themselves have come forward to pay a sum of Rs.20,000/- and hence, he has no serious objection for grant of anticipatory bail.

5. Taking into consideration the submission made by the learned counsel for the petitioner that the petitioners are willing to deposit a sum of Rs.20,000/- being the alleged damage caused to the roofed house of the defacto complainant, 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, Kamuthi, 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) Each of the petitioners shall deposit a sum of Rs.4,000/- (Rupees Four Thousand Only) to the credit of Crime No.153 of 2017 before the learned Judicial Magistrate, Kamuthi, without prejudice their defence before the trial Court;.

(iii) 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.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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].

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

sd/-
28/08/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE, KAMUTHI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PERUNALI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.KARTHIKEYA VENKITACHALAPATHY Advocate SR.No.84022

ORDER
IN

CRL OP(MD) No.11227 of 2019
Date :28/08/2019

TK/JC/SAR.1/06.09.2019/3P/6C

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