



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11085 of 2019

1. Naveen	...Accused No.1
2. Subbaiah	...Accused No.2
3. Kanjivanam	...Accused No.6
4. Nondisami	...Accused No.7
5. Chellapandi	...Accused No.13
	Petitioners/Accused 1 to 5

Vs

The State, Represented by
The Sub Inspector of Police,
Melur Police Station,
Madurai District
(Crime No.67/2019). ... Respondent/Complainant

For Petitioners : M/s.R.R.Thamothar Raj,
Advocate.

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

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

PRAYER :-

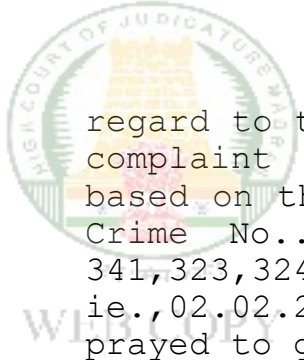
For Anticipatory bail in Cr.No.67/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners/accused Nos.1,2,6,7 and 13, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,341,294(b),323,379 and 506(i) of IPC and Section 3(1) of Prevention of Damage of Public Property Act, 1984, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners would submit that on 22.01.2018 the defacto complainant and three others have attacked the petitioners and caused serious injuries and with



regard to the said occurrence, the fourth petitioner herein lodged a complaint before the respondent police on the very same day and based on the same First Information Report has been registered in Crime No..39 of 2019 for the offences under Sections 294(b), 341,323,324 and 307 of IPC and as after thought after 12 days ie.,02.02.2019, the present case has been registered. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has fairly conceded that on 22.01.2019 when the petitioner has lodged a complaint against the defacto complainant's brother and his associates and based on the same a case has been registered in Crime No. 39 of 2019 and subsequently on 02.02.2019, the defacto complainant has lodged a complaint as if the petitioners herein have attacked the defacto complainant and other also taken away 20 sovereigns of jewels. He further submitted that investigation is not completed.

5.Taking into consideration the fact that on 22.02.2019 itself the fourth petitioner herein has lodged a complaint against the defacto complainant's brother and his associates and based on the same a case was registered under Sections 294(b), 341,323,324 and 307 of IPC and after 12 days the present case has been registered, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur 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:

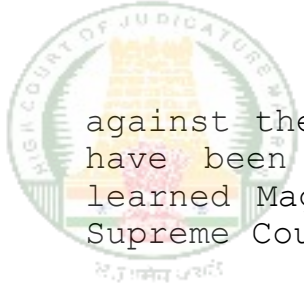
[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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.

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

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

[e] 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].

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

sd/-
14/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
MELUR

2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.R.R.THAMOTHAR RAJ Advocate SR.No.81835

ORDER
IN
CRL OP(MD) No.11085 of 2019
Date :14/08/2019

AAV
ES/PN/SAR 1/22.08.2019/3P/6C