

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11115 of 2019

1. Muthuramalingam
2. Sabarinathan

... Petitioners/Accused Rank not known

Vs

State Rep.by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
Crime No.116 of 2019.

... Respondent/Complainant

For Petitioners: M/s.M.S.Jeyakarthik,
Advocate.

For Respondent : M/s.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. 116 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 294 (b), 323, 324, 379 (NH) & 506 (ii) of IPC, in Crime No. 116 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, on 23.07.2019 at about 06.20 p.m, when the defacto complainant and his friend were going by bike, the accused persons came behind the defacto complainant's bike in rash and negligence manner and the same was questioned by the defacto complainant, the accused persons assaulted the defacto complainant with wooden log and criminally intimidated him. He further submitted

that no one sustained any injury, and therefore, he prayed anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that when the defacto complainant and his friend were going by defacto complainant's bike, the accused persons came behind the defacto complainant's bike in rash and negligence manner and the same was questioned by the defacto complainant, the accused persons assaulted the defacto complainant with wooden log and criminally intimidated him. At that time of occurrence, the defacto complainant's cell phone was missing. After the occurrence, somebody has thrown the defacto complainant's cell phone into the police station and the same has been recovered, and hence, she opposed this petition. However, she fairly conceded that no one sustained any injury and no previous case is pending against the accused persons.

5.Considering the fact that no one sustained any injury and also the submission made by the learned Government Advocate that after occurrence, somebody has thrown cell phone into the police station and the same has been recovered and no previous case is pending against the petitioner, 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, Mudhukulathur, 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

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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/-
13/08/2019

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

TO

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.13493

ORDER
IN

CRL OP(MD) No.11115 of 2019

Date :13/08/2019

MS/VR/SAR-4/20.08.2019/3P.6C

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