



WEB COPY

CRL OP(MD). No.11174 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11174 of 2019

1.Sivakumar
2.Rasu
3.Annamalai
4.Mahamuni

... Petitioners/Accused
No.1,2,4 and 5

Vs

State rep by
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
Crime No.169/2019.

... Respondent/Complainant

For Petitioners : Mr.K.Sivabalan,
Advocate.

For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.169 of 2019 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, 323, 294(b), 506(i)IPC seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous motive, the petitioners and other accused are said to have attacked the defacto complainant and also abused in filthy language. Hence, the complaint.

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



4. The learned counsel appearing for the petitioners has submitted that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case and therefore, he prayed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate(Crl.side) appearing for the respondent police has submitted that the injured has already been discharged from the hospital. She has further submitted that the second petitioner herein is not an accused in this case.

6. Taking into consideration of the fact that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners Nos.1, 3 & 4 with certain conditions.

7. Accordingly, the petitioners Nos.1, 3 & 4 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thuraiyur, Trichy District on condition that the petitioners Nos.1, 3 & 4 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 Nos.1, 3 & 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners Nos.1, 3 & 4 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 Nos.1, 3 & 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners Nos.1, 3 & 4 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 Nos.1, 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners Nos.1, 3 & 4 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.

8. Since the second petitioner is not an accused in this case, this Criminal Original Petition is dismissed as against the second petitioner.

sd/-
08/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.SIVABALAN Advocate SR.No.13428

ORDER
IN
CRL OP(MD) No.11174 of 2019
Date :08/08/2019

gns
TK/VR/SAR.3/19.08.2019/3P/6C