

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.11178 of 2019

1. Malaichamy
2. Manikandan
3. Karuppuraja
4. Maharaja

.... Petitioners/Accused Nos. 1 to 4

Vs

State rep.by
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

(In Crime No.82 of (*)2019) Respondent/Complainant

**(*Amended as per order of this Court dated 14.08.2019
made in CRL OP(MD)No.11178 of 2019)**

For Petitioner : M/s. T.Thirumurugan,
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.82 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

The Memo dated 08.08.2019 filed by the petitioners is hereby
recorded and the Registry shall carry out the amendment.

2.The petitioners, who apprehend arrest at the hands of the
<https://hcservices.ecourts.gov.in/hcservices/>

respondent police for the offences punishable under Sections 147, 294(b), 342, 323 and 506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.82 of 2019, seek anticipatory bail.

3. Heard both sides.

4.The learned counsel appearing for the petitioners has submitted that due to previous enmity, a false case has been registered against the petitioners. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. He further submitted that except the offence under Section 506(ii) of IPC and 4 of TNPWH Act, all other offences are bailable. He further submitted that the first petitioner is serving in army and hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl. Side) appearing for the respondent has submitted that investigation is still pending. Thus, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

6.Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

7.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 Judicial Magistrate Court No.II, Sivagangai, 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)Considering the submission made by the learned counsel for the petitioner that the first petitioner is serving in army and therefore, the first petitioner is directed to appear before the respondent police as and when required for interrogation and the petitioners 2 to 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 before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness

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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 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/-
14/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. T.THIRUMURUGAN Advocate SR.No.13523

WEB COPY

ORDER
IN
CRL OP(MD) No.11178 of 2019
Date :14/08/2019

AM/JC/SAR-2/20.08.2019/3P-6C