

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.11182 of 2019

1.T.Kanagarajan  
2.T.Elavarasan

.... Petitioners/Accused  
Rank Not Known

Vs

State Represented through  
The Inspector of Police,  
Thogur Police Station,  
Thanjavur District  
Crime No.116/2018

... Respondent/Complainant

For Petitioners : M/s.J.William Christopher,  
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.116 of 2018 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,  
148, 341, 342, 364(A) and 392 of IPC in Crime No.116 of 2018, seek  
anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has  
submitted that the petitioners have not committed any offence as  
alleged by the prosecution and they have been falsely implicated in  
the above case. He further submitted that only based on the  
confession said to have been given by A1 before the respondent, the

petitioners herein arrayed as accused. He further submitted that even in the said confession, A1 has not stated that the petitioners have committed any offence. On the contrary, he stated that the petitioners have abetted the other accused persons to commit offence and except the said allegation, no other allegation made against the petitioners. Therefore, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has fairly conceded that only based on the confession said to have been given by A1, the petitioners herein have been implicated in the above case and also considering the allegation against the petitioner is that they have abetted the other accused person to commit offence.

5.Taking into consideration of the fact that the name of the petitioners have not mentioned in the FIR, only based on the confession said to have been given by A1 before the respondent police, the petitioners herein have been added as accused and even in the said confession statement A1 has not stated that these petitioners have committed any offence, on the contrary, he has stated that these petitioners have abetted the other accused persons to actively participate in the above crime, 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, Thiruvaiyaru, Thanjavur District, 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 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/-  
28/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,  
THIRUVAIYARU, THANJAVUR DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
THOGUR POLICE STATION,  
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN

CRL OP(MD) No.11182 of 2019  
Date :28/08/2019

TK/JC/SAR.1/06.09.2019/3P/5C

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