

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.11323 of 2019

1. Kumuli,	...1st Petitioner/A1
2. Kabhali,	...2nd Petitioner/A2
3. Raghunath,	...3rd Petitioner/A4
4. Ramkumar,	...4th Petitioner/A5
5. Rajivgandhi,	...5th Petitioner/A8
6. Udhayasuriyan,	...6th Petitioner/A9

Vs

The State represented by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.143 of 2019).

... Respondent/Complainant

For Petitioner : M/s. C.Hitesh Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.143 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,
148, 294(b), 323, 324, 336, 307 and 506(ii) of IPC in Crime No.143
of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that the injured sustained only simple injury and she has already been discharged from the hospital. He further submitted that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital and no previous case is pending against the petitioners.

5.Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital and also the fact that no bad antecedent is reported against the petitioners, 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 No.1, Kumbakonam, 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUMBAKONAM, THANJAVUR DISTRICT
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. C.HITESH KUMAR Advocate SR.No.13433

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ORDER
IN
CRL OP(MD) No.11323 of 2019
Date :13/08/2019

KM/PN/SAR-III (21.08.2019) 3P 6C