

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11428 of 2019

1. Munisamy,
2. Sankar,
3. Chandru @ Chandran,
4. Rasu,
5. Monal Thalapathi @ Sankar,
6. Silambarasan,
7. Pandi @ Kappiyapatti,
... Petitioners/Accused No.1 to 6

Vs

State rep by
The Inspector of Police,
Balamedu Police Station, Madurai
District (Crime No.101 of 2019).
... Respondent/Complainant

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

For Respondent :Ms.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.101 of 2019 on the file of
the respondent police

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 294 (b), 336, 323, 324, 506 (ii) and 379 of I.P.C, in Crime
No.101 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioner are innocent and they have been falsely implicated in the above case. He further submitted that the third petitioner also gave a complaint against the defacto complainant and others and the said complaint was registered by the respondent police under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C., Section 4 of Tamil Nadu Harassment of Women Act, 2002 and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 in Crime No. 100 of 2019. He further submitted that the petitioners have not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioners.

4.The learned Government Advocate has fairly conceded that based on the complaint given by the third petitioner herein a case was registered against the defacto complainant in Crime No.100 of 2019 under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C., Section 4 of Tamil Nadu Harassment of Women Act, 2002 and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and also submitted that the injured persons have sustained simple injuries and they have already discharged from the hospital. She further submitted that both the cases are case in counter relating to construct a compound wall. She further submitted that the investigation is only at initial stage and hence, she strongly opposed this petition.

5.Taking into consideration of the fact that the counter case has also been registered in Crime No.100 of 2019 under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C., Section 4 of Tamil Nadu Harassment of Women Act, 2002 and Section 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and also the fact that the injured persons sustained only simple injuries and they were also discharged from the hospital, 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, Vadipatti, 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/-
16/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
VADIPATTI, MADURAI

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
BALAMEDU POLICE STATION, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. S. POORNACHANDRAN Advocate SR.No.13694

ORDER
IN
CRL OP(MD) No.11428 of 2019
Date :16/08/2019

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