

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11571 of 2019

1. R.Kannan

2. R.Sekar

.... Petitioners/Accused 1,2

Vs

State represented through
The Inspector of Police,
Sholavandan Police Station,
Madurai District

(In Crime No.199 of 2019). Respondent/Complainant

For Petitioners : M/s.J.William Christopher,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.199 of 2019 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate (Crl.side) appearing for the
respondent.

2.The petitioners apprehending arrest at the hands of the
respondent for the offences under Sections 379, 430 and 307 of IPC
and Section 21(1) of MMDR Act in Crime No.199 of 2019, seek
anticipatory bail.

3.The learned counsel appearing for the petitioners would
submit that the defacto complainant in this case is having motive
against the first petitioner herein.

4.It is true that the first petitioner is having two previous cases. But one of them was closed as 'mistake of fact'. The very same defacto complainant herein was the defacto complainant in this case also. The defacto complainant is working as Head Constable in the Vadipatti Police Station. But then, the case has been registered by the Solavanthan Police Station. The contents of the complaint do not inspire my confidence.

5.The defacto complainant would claim that the petitioners attempted to dash the lorry against him. Thereafter, they stopped the lorry and ran away. The vehicle in question was seized along with the contraband. The owner of the vehicle is yet to be arrested. Except the allegation of the defacto complainant, there is nothing else to connect the petitioners with the crime. The defacto complainant who claims to have been injured, did not even take treatment in the Government Hospital.

6.I am of the view that the petitioners deserve to be granted anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Vadipatti, Madurai District and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

04/09/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

- 3 THE INSPECTOR OF POLICE
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11571 of 2019
Date :04/09/2019

RMI
ES/PN/SAR 2/10.09.2019/3P/5C



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