



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11494 of 2019

1.Subbaiyan
2.Mariyappan
3.Chinnamariyappan
4.Karuppiah
5.Pandiyan

... Petitioners/Accused Nos. 1 to 5

Vs

State represented by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.164 of 2019).

... Respondent/Complainant

For Petitioner : M/s.R.Karunanidhi,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

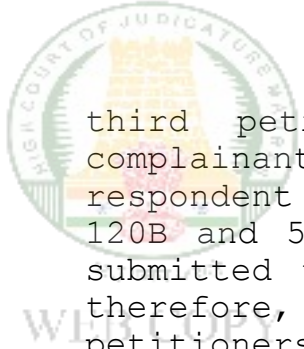
For Anticipatory Bail in Crime No.164 of 2019 on the file of the respondent.

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, 149, 294 (b), 447, 120B and 506 (ii) of I.P.C, in Crime No.164 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the petitioners 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, 420, 120B and 506 (ii) of I.P.C, in Crime No. 163 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.163 of 2019 under Sections 147, 148, 294 (b), 323, 324, 420, 120B and 506 (ii) of I.P.C 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 civil dispute. 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.163 of 2019 under Sections 147, 148, 294 (b), 323, 324, 420, 120B and 506 (ii) of I.P.C 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, Peraiyur, Madurai 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:

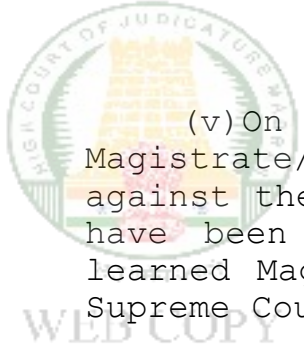
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(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.

<https://hcservices.ecourts.gov.in/hcservices/>



(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/-
26/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.KARUNANIDHI, Advocate(SR-14095[I] dated 27/08/2019)

ORDER
IN
CRL OP(MD) No.11494 of 2019
Date :26/08/2019

LS
ES/JC/SAR3/30.08.2019/4P/6C