



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11487 of 2019

1. Palanivel
2. Bashkar
3. Nagasamy
4. Seena Jaisankar @ Jeyasankar ... Petitioners/
Accused No.1 to 3 & 5

Vs

State Rep.by
The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District
(Crime No.96 of 2019) ... Respondent/Complainant

Murugan ... Intervenor /
Defacto Complainant

For Petitioners: M/s.J.M.Hassanul Bazari,
Advocate.
For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)
For intervenor : M/s.M.Sankar, Advocate

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

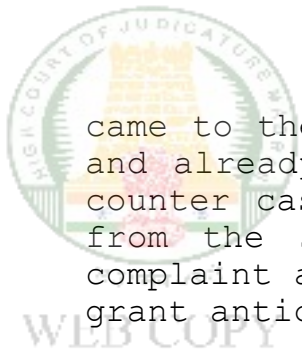
PRAYER :-

for Anticipatory Bail in Crime No.96 of 2019 on the file of the Respondent Police.

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, 506(ii) and Section 379 (NH) of IPC in Crime No.96 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that both the parties are residents of Chennai and they
<https://hcservices.ecourts.gov.in/hcservices/>



came to their native place on 07.08.2019 to celebrate Aadi festival and already, some complaints are pending between the parties and a counter case has also been registered. But, with a view to escape from the said case, the defacto complainant has lodged a false complaint against the petitioners herein and therefore, he prayed to grant anticipatory bail to the petitioners.

3.The learned counsel for the intervenor/defacto complainant has submitted that on 07.08.2019 at 6.00 am, when the defacto complainant and his family members came to their native place for celebrating the Aadi festival, the petitioners have attacked the defacto complainant and his family members with beer bottles and caused injuries and also snatched 5 sovereigns of gold jewels from the aunt of the defacto complainant and the said chain has to be recovered and therefore, he opposed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the Police has called the defacto complainant's aunt for getting statement, but, she is not co-operating. Hence, the Police is not in a position to ascertain whether actually the said jewel was snatched by the petitioners or not. However, she opposed this petition as investigation is pending.

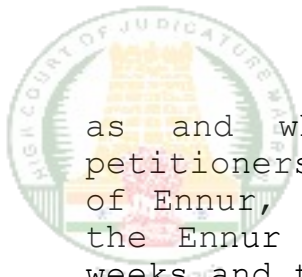
5.Taking into consideration of the fact that already, enmity is prevailing between the parties, also the fact that a counter case has already been pending, also the fact that the injured person was also discharged from the hospital and also the fact that the aunt of the defacto complainant is not co-operating for investigation, 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, Paramakudi, Ramanathapuram District on condition that the petitioners shall each 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the fourth petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of two weeks and thereafter,

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



as and when required for the interrogation. Insofar as the petitioners 1, 2 and 3 are concerned, they are being the residents of Ennur, Thiruvallur District, they are directed to appear before the Ennur Police Station daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

WEB COPY

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/08/2019

/ TRUE COPY /

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

TO

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

COPY TO:

THE INSPECTOR OF POLICE,
ENNUR POLICE STATION, THIRUVALLUR DISTRICT.

+1. CC to M/S.J.M.HASSANUL BAZARI, Advocate SR.No.13975

ORDER

IN

CRL OP(MD) No.11487 of 2019

Date :21/08/2019

MS/VR/SAR-3/28.08.2019/3P.7C

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