

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11552 of 2019

1.Karthick Raja
2.Suresh Raja

.... Petitioners/Accused (Rank not known)

Vs

The State represented by,
The Inspector of Police,
Gandhi Market Police Station,
Trichy City
(Crime No.512 of 2019). Respondent/Complainant

For Petitioners : M/s.M.Pitchai Muthu,
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. 512 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 294(b),
435 and 506(ii) of IPC, in Crime No.512 of 2019, seek anticipatory
bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocents and they have been
falsely implicated in this case. He further submitted that due to
previous enmity, a false case has been foisted against the
petitioners and two others. He further submitted that already, A-1
and A-3 were arrested and subsequently released on bail. He further
submitted that as per the F.I.R, three vehicles were set fire, but
value for one vehicle alone has been given. Insofar as other two

vehicles are concerned, they are old vehicles and they were parked in the mechanic shop and they are having no value. Hence, value for the said vehicles has not been mentioned in the said F.I.R. He further submitted that without prejudice to the defence, each petitioner is prepared to deposit a sum of Rs.12,500/- and hence, he prayed for grant of anticipatory bail to the petitioners.

3.Per contra, the learned Government Advocate (Cr1.Side) appearing for the respondent has submitted that the petitioners and other two accused persons have set fire to three two wheelers. She further submitted that in the F.I.R, the defacto complainant's vehicle alone has been given. Insofar as other two vehicles are concerned, the defacto complainant does not know the value. Hence, she has not mentioned the value of the said vehicles in the complaint. However, she fairly conceded that two accused persons were already arrested and subsequently, released on bail.

4.Taking into consideration of the fact that two accused persons were already arrested and subsequently, released on bail and also the fact that in the F.I.R, value of one vehicle alone has been mentioned and no report has been received with regard to the value of the vehicles and also the submission made by the learned counsel for the petitioner that each petitioner is prepared to deposit a sum of Rs.12,500/- without prejudice to their defence, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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.V, Trichy 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:

(i)Before executing bail bond, each of the petitioners shall deposit a sum of Rs.12,500/- (Rupees twelve thousand five hundred only) to the credit of Cr.No.512 of 2019 before the learned Judicial Magistrate, No.V, Trichy, without prejudice to his contentions before the trial court.

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

(iii) 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.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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

sd/-
20/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
 - 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE
GANDHI MARKET POLICE STATION,
TRICHY CITY
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.PITCHAI MUTHU, Advocate
(SR-13744[I] dated 20/08/2019)

ORDER
IN
CRL OP(MD) No.11552 of 2019
Date :20/08/2019

VS