

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . Nos.11631 and 11636 of 2019

1. M. Vinnarasu,
2. M.Silison, ... Petitioners/Rank Not Known
in Crl.O.P.(MD).No.11631/2019

1.Michael
2.Davidraj
3.Xavier
4.Mathesh
5.Jesintha ... Petitioners/Accused Nos.2,5,6,9 & 11
in Crl.O.P.(MD).No.11636/2019

Vs

The State represented by
The Sub Inspector of Police,
Thevaram Police Station,
Theni District.
Crime No. 269 of 2019. ... Respondent/Complainant
in both Crl.O.Ps

For Petitioners : M/s. M. Kaliraj,

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor
(in both Crl.O.Ps)

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

PRAYER :-

For Anticipatory Bail in Crime No. 269 /2019 on the file of the
Respondent Police.

ORDER : The Court Made the following common order :-

Accused Nos.10 and 13 (petitioners in Crl.O.P.(MD)).
<https://hcservices.ecourts.gov.in/hcservices/>

No.11636/2019) and the accused Nos.2, 5, 6, 9 and 11 (petitioners in CrI.O.P.(MD).No.11636/2019), who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 427, 448, 324 and 307 IPC, in Crime No.269 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and due to wordy quarrel, they have been falsely implicated in this case. He further submitted that the injured person sustained only simple injury and he has already been discharged from the hospital. He further submitted co-accused were already arrested and subsequently granted bail. Therefore, he prayed to grant anticipatory bail to the petitioners.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that due to wordy quarrel, in drunken mood, the petitioners scolded the defacto complainant in filthy language and also attacked him and caused simple injuries. He further submitted that a counter case has also been registered in Cr.No.270/2019 under Sections 147, 148, 294(b) and 506(ii) I.P.C. He further submitted that A-1, A-3, A-7 and A-8 were already arrested and subsequently released on bail. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the injured person has already been discharged from the hospital.

4.Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and he has already been discharged from the hospital, 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, Bodinayakanur 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 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 for the interrogation.

[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, BODINAYAKANUR
- 2 THE CHIEF JUDICAIL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THEVARAM POLICE STATION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.M.KALIRAJ, Advocate (SR-13862, 13863[I] dated
21/08/2019)

ORDER
IN

CRL OP(MD) Nos.11631 & 11636 of 2019
Date :21/08/2019

VS
AE/JC/SAR-II (28.08.2019) 3P 7C