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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.11658 of 2019

Ajith @ Ramachandran,

... Petitioner/5th Accused

Vs

The State rep.by
The Inspector of Police,
Thondi Police Station,
Ramnad District,
Crime No. 141/2019.

... Respondent/Complainant

For Petitioner : M/s. D. Venkatesh,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

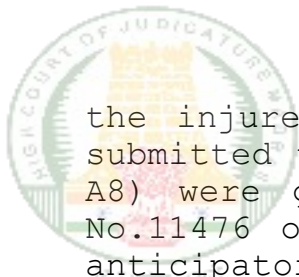
For Anticipatory bail in Crime No. 141 of 2019 on the file of the respondent police

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 379 and 307 of IPC, in Crime No.141 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to previous enmity a false case has been registered against the petitioner herein. He further submitted that



the injured persons were discharged from the hospital. He further submitted that already co-accused in this case (A1, A2, A3, A6, A7, A8) were granted anticipatory bail by this Court in Crl.O.P.(MD) No.11476 of 2019 dated 19.08.2019. Hence, he prayed to grant of anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner herein and other accused persons have abused the defacto complainant, assaulted him and threatened with dire consequences. He further submitted that the injured persons have sustained simple injuries and they were already discharged from the hospital. He further submitted that no previous case is pending against the petitioner. He further submitted that the investigation is only at initial stage and hence, he strongly opposed this petition.

5.Taking into consideration the fact that the injured persons sustained only simple injuries and also been discharged from the hospital and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

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

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

TO

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

+1 CC to MR.D.VENKATESH, Advocate (SR-14116[I] dated 27/08/2019)

ORDER
IN
CRL OP(MD) No.11658 of 2019
Date :26/08/2019

Ls
AE/JC/SAR-II (05.09.2019) 3P 6C