



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11714 of 2019

1. Akesh @ Agesh

2. Nirmal

... Petitioners/Accused No.2 & 3

Vs

State Rep.by

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
in Crime No.285 of 2019

... Respondent/Complainant

For Petitioner : M/s.T.Veerakumar,
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.285 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 341, 294(b), 323 and 506(ii) of IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.285 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that a false case has been registered against the petitioners. He further submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. However, on instruction, he submitted that each of the petitioners are willing to deposit a sum of Rs.3,500/- (Rupees Three Thousand and



five hundred Only) without prejudice to their defence. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioners and other accused persons have caused damage to the two wheeler of the defacto complainant. He further submitted that the petitioners are having two previous cases. Thus, she opposed this petition. However, she fairly conceded that the petitioners themselves have come forward to pay a sum of Rs.3,500/-.

6.Taking into consideration the submission made by the learned counsel for the petitioners that each of the petitioners are willing to deposit a sum of Rs.3,500/-(Rupees Three Thousand and five Hundred Only) and the petitioners are having two previous cases but in those cases, they were already on bail, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

7. 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 Judicial Magistrate, Court No.II, Ramanathapuram, 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:

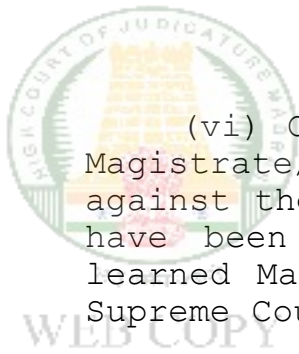
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)Each of the petitioners shall deposit a sum of Rs.3,500/- (Rupees three Thousand and Five Hundred Only) to the credit of Crime No.285 of 2019 before the Judicial Magistrate, Court No.II, Ramanathapuram, without prejudice to their defence before the trial Court;

(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 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].

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

sd/-

22/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.VEERAKUMAR Advocate SR.No.13924

ORDER

IN

CRL OP(MD) No.11714 of 2019

Date :22/08/2019

MS/VR/SAR-3/28.08.2019/3P.6C