



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11857 of 2019

1. Suryakala,

2. Arumugathai, ... Petitioners/Accused (Rank not Known)

Vs

The Inspector of Police,
Eral Police Station,
Thoothukudi District
Cr No.55/2019.

... Respondent/Complainant

For Petitioner : M/s. A.K. Manickam,
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.55 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 109, 147, 294(b), 448, 323, 506(i) and 379 of IPC(N.P), in Crime No.55 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that there was a money transaction between the petitioners and the defacto complainant, a false case has been registered against the petitioners herein and others. He further submitted that this Court has already granted anticipatory bail to the Accused No.1 and 2 in Crl.O.P.(MD).No.7169 of 2019 by the order dated 15.05.2019. Hence, he prayed for grant of anticipatory bail to the



petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the investigation is in progress and he opposed this petition. However, she fairly conceded that this Court has already granted anticipatory bail to the Accused No.1 and 2 in Crl.O.P.(MD).No.7169 of 2019 by the order dated 15.05.2019 and no previous case is pending against the petitioners.

5.Taking into consideration the fact that there was money transaction between the petitioners and the defacto complainant and also the fact that already this Court has granted anticipatory bail to the Accused No.1 and 2 in Crl.O.P.(MD).No.7169 of 2019 by the order dated 15.05.2019 and also the fact that no bad antecedent is reported against the petitioners, 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, Srivaikundam, 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) 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.

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

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

(v) 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].



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

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAICKUNDAM.
2. DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
THOOTHUKUDI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.A.K.MANICKAM, Advocate Sr. No. 14264

ORDER
IN
CRL OP(MD) No.11857 of 2019

TR/PN/SAR-I (05.09.2019) 3P 6C