



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11913 of 2019

1.Arunraj,

2.Mickelraj

3.Mathavan,

... Petitioners/Accused 1 to 3

Vs

The State: The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District (Crime No.152/2019).

... Respondent/Complainant

For Petitioner : M/s. S. Saravanan,

For Respondent : Ms.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.152 of 2019 on the file of the respondent

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), 323, 427 and 506(ii) in Crime No.152 of 2019, seek anticipatory bail.

2.The learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the third petitioner is concerned. He has also made an endorsement to that effect. Recording the same, this petition is dismissed as withdrawn in respect of the third petitioner alone.



3.The learned counsel appearing for the petitioners has submitted that the petitioners 1 & 2 are innocent and due to previous enmity, they have been falsely implicated in this case. However, he fairly submitted that the petitioners are willing to deposit a sum of Rs.5,000/- without prejudice to their defence. Therefore, he prayed for grant of anticipatory bail to the petitioners 1 & 2.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that on the date of occurrence, the petitioners 1 & 2 pelted stones against the dog, owned by the defacto complainant and attacked the defacto complainant and his wife and caused injuries and also threatened him with dire consequences. Hence, he opposed this petition as investigation is pending. However, he fairly conceded that the injured person has already been discharged from the hospital.

5.Taking into consideration of the fact that the injured person has sustained only simply injury and he has already been discharged from the hospital and also the fact that the petitioners 1 & 2 are willing to deposit a sum of Rs.5,000/- without prejudice to their defence, this Court is inclined to grant anticipatory bail to the petitioners 1 & 2 by imposing certain conditions.

6. Accordingly, the petitioners 1 & 2 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.2, Kovilpatti on condition that the petitioners 1 & 2 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 the bail bonds, the petitioners 1 & 2 shall each deposit a sum of Rs.2,500/- (Rupees two thousand five hundred only) (totally a sum of rupees five thousand only) to the credit of Cr.No.152 of 2019 before the learned Judicial Magistrate, No.2, Kovilpatti, without prejudice to their defence before the trial court.

(ii)If the petitioners 1 & 2 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners 1 & 2 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and when required before the respondent police for



interrogation.

(iv) the petitioners 1 & 2 shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners 1 & 2 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 1 & 2 in accordance with law as if the conditions have been imposed and the petitioners 1 & 2 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.

(viii) Petition is dismissed against third petitioner as withdrawn.

sd/-
27/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.
2. DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI .
3. THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.S.SARAVANAN, Advocate Sr. No. 14130

ORDER
IN
CRL OP(MD) No.11913 of 2019

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

<https://hcservices.ecourts.gov.in/hcservices/>