

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12042 of 2019

1.Ennarasu

2.Neelamegam ... Petitioners/Accused Nos. 1 & 2
Vs

State Represented By,
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District
(Crime No. 313/2019). ... Respondent/Complainant

For Petitioner: M/s.S.Venkatesan,
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.313 of 2019 on the file of
the respondent police.

ORDER : The Court Made the following order :-

The petitioners/accused Nos. 1 and 2, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 323,324 and 506(ii) of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have
submitted that due to previous enmity, a false case has been foisted
against the petitioners. He further submitted that the injured
persons has sustained only simple injuries and he has already been
discharged from the hospital. Hence, he prayed to grant of
anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that due to some wordy quarrel the petitioners herein attacked the defacto complainant with iron bar and caused simple injury, for which a counter case has also been registered. He further submitted that injured person has sustained simple injuries and he has already discharged from the hospital. However, he opposed anticipatory bail on the ground that investigation is still pending.

5.Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital , this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are 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 District cum Judicial Magistrate, Papanasam Thanjavur District 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:

[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/-
30/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.VENKATESAN Advocate SR.No.14573

ORDER
IN

CRL OP(MD) No.12042 of 2019
Date : 30/08/2019

AAV
ES/PN/SAR 3/04.09.2019/3P/6C

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