



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

Wednesday, the Seventh day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.38 of 2015

XAVIER BENJAMEN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY THE SUB INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT. CR. NO.3/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KAMESWARAN Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.3 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had scolded the defacto complainant with filthy language and threatened with dire consequences.

3. It is represented by the learned Government Advocate (Crl.Side) that no previous case is pending against this petitioner.

4. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruppathur, Sivagangai District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 9.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

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



[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
07/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUPPATHUR.
 - 2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4 THE SUB INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION, SIVAGANGAI DISTRICT.
- +1. CC to M/S.S.KAMESWARAN Advocate SR.No.544.

TS/08.01.2015/2P-6C

ORDER
IN
CRL OP(MD) No.38 of 2015
Date :07/01/2015