



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

Wednesday, the Thirty First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.15890 of 2016

A.VENKATESAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY

THE SUB INSPECTOR OF POLICE

PALAMEDU POLICE STATION, MADURAI DISTRICT

(CRIME.NO.128/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.M.MOHAMED SALIM Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

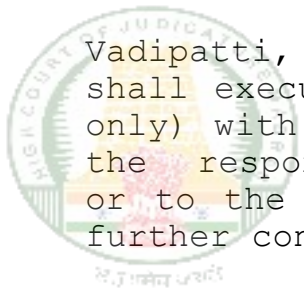
The petitioner, who is arrayed as accused apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 447, 427 and 506(ii) of IPC in Crime No.128 of 2014 and hence, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioner attacked the defacto complainant with deadly weapons and also threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that there is previous case against the petitioner and both the petitioner and the defacto complainant are close relatives and prayed for granting anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that it is a civil dispute and the absconding charge sheet has been filed against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that both the petitioner and the defacto complainant are close relatives, this Court is 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 Judicial Magistrate,



Vadipatti, Madurai District and 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 report before the respondent police daily at 10.00 am until further orders.

[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 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
31/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE
PALAMEDU POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.M.MOHAMED SALIM Advocate SR.No.48496

sm:DB:SAR III:02/09/2016:2P/6C

ORDER
IN
CRL OP(MD) No.15890 of 2016
Date :31/08/2016