



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

Wednesday, the Fifth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21506 of 2018

ESSAKIMUTHU

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.190/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABHU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

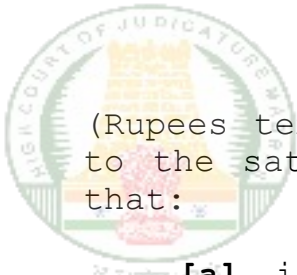
The petitioner, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506 (ii) IPC in Cr.No.190 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to some wordy quarrel between the petitioner and defacto complainant, the petitioner abused the defacto complainant with filthy language and attacked the defacto complainant.

3.The learned Government Advocate would submit that the injured has been discharged from the hospital.

4.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

5.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, Vilathikulam 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation

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

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

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM
2. DO THROU' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
3. THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



+1. CC to MR.M.PRABHU Advocate SR.No.22688

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ORDER

IN

CRL OP (MD) No.21506 of 2018

Date :05/12/2018

TA

MK/JC/SAR 1/06.12.2018/3P/6C