



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

Friday, the Seventh day of December Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21666 of 2018

PERIYASAMY

... PETITIONER / ACCUSED 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
VEDASANDUR TALUK,
DINDIGUL DISTRICT.
CRIME NO.595 OF 2018

... COMPLAINANT / RESPONDENT

For Petitioner : Mr.D.BALAMURUGAPANDI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, 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 offences punishable under Section 294(b), 323 and 506 (i) IPC, in Crime No.595 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioner abused the defacto complainant, assaulted him and threatened him with dire consequences

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the injured was treated as out patient.

5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate, Vedasanthur, Dindigul 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 said Magistrate concerned and on further condition that:



[a] if the petitioner fail 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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]. and

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

sd/-

07/12/2018

/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
VEDASANDUR TALUK, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.BALAMURUGAPANDI Advocate SR.No.22960.

ORDER

IN

CRL OP(MD) No.21666 of 2018

Date :07/12/2018