



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18748 of 2018

CHINNAPONNU

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PALAVIDUTHI POLICE STATION,
KARUR.
IN CRIME NO. 127 OF 2018

... RESPONDENT

For Petitioner : MR.T.ANTONY ARUL RAJ 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 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 307 of IPC which was subsequently altered to 302 of IPC, in Crime No.127 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that there is some civil dispute between the petitioner family and the defacto complainant family. The accused had put up some construction in the land which is adjacent to the defacto complainant's land which was questioned by the defacto complainant and her husband, at that time, the first accused had taken a stick and assaulted the defacto complainant's husband Lakshmanan, due to which, the defacto complainant's husband sustained head injury and fell down.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has nothing to do with the alleged occurrence. He further submitted that there is no specific overt act attributed against this petitioner and the petitioner's husband was earlier arrested and released on statutory bail.



4.The learned Additional Public Prosecutor for the respondent police submitted that the injured has been discharged from the hospital.

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

6.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, Karur, 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 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 daily at 10.00 am for a period of two weeks and thereafter 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 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].

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

sd/-

14/11/2018

/ TRUE COPY /

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

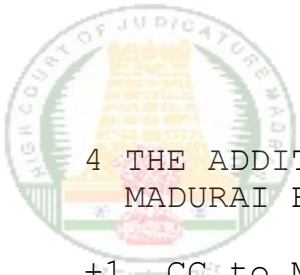
TO

1 THE JUDICIAL MAGISTRATE,
KARUR.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, KARUR.

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE,
PALAVIDUTHI POLICE STATION, KARUR.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.ANTONY ARUL RAJ Advocate SR.No. 21567

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ORDER

IN

CRL OP (MD) No.18748 of 2018

Date :14/11/2018

JM/VR MMS/SAR 4/19.11.2018/3P/6C