



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

Friday, the Ninth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20072 of 2018

BALASUBRAMANIYAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
IN CRIME NO. 189 OF 2018,
RAMANATHAPURAM DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.ARPUTHARAJ Advocate

For Respondent : M/S.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 alleged offences punishable under Sections 294(b) and 324 of IPC., and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.189 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 31.10.2018, due to previous enmity, the petitioner used the filthy language and also attacked the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives and there is a family dispute between them, and due to which, an altercation arose between them. The petitioner has also given a complaint against the defacto complainant, which was registered against him in Crime No.188 of 2018, on the file of the same respondent.



4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that on 31.10.2018, due to previous enmity, the petitioner used the filthy language and also attacked the defacto complainant.

5. Considering the above 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 Judicial Magistrate No.I, Ramanathapuram, 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner failed 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 a.m., for a period of one week, 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/-

09/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 -DO- THROUGH THE CHIEF

<https://hcservices.ecourts.gov.in/hcservices/>
JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.



3 THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.A.ARPUTHARAJ Advocate SR.No. 21326

ORDER

IN

CRL OP (MD) No.20072 of 2018

Date :09/11/2018

JM/PN/SAR 2/14.11.2018/3P/6C