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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22043 of 2018

SURULIVEL ... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ODAIPATTI POLICE STATION,
THENI DISTRICT.
(*)Crime No.177 of 2018 ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUNIYANDI 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 alleged offences punishable under Sections 294(b), 307 and 506(ii) of IPC in Cr.No.177 of 2018 seeks anticipatory bail.

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

3. The learned counsel for the petitioner would submit the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit that the injured has also been discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that the injured had been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital,this Court inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Uthamapalayam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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/-
19/12/2018

/ TRUE COPY /

(*)AMEDNED AS PER THE ORDER OF HON'BLE COURT MADE IN CRL MP(MD)NO.10430 OF 2018 IN CRL OP(MD)NO.22043 OF 2018 VIDE ORDER DATED:17.12.2018 BY MNKJ.

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

TO

1.THE JUDICIAL MAGISTATE,
UTHAMAPALAYAM.

2.THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

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3.THE INSPECTOR OF POLICE,
ODAIPATTI POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr.S.MUNIYANDI Advocate SR.No.23572

ORDER
IN
CRL OP(MD) No.22043 of 2018
Date :19/12/2018

TK/PN.AC/SAR-3/20.12.2018/3P/6C

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