



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

Friday, the Fourteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) No.22149 of 2018

D.PARAMASIVAN

... PETITIONER / ACCUSED No.2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT
Crime No.190/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PRABU Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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), 323 and 506(ii) of IPC, in Crime No.190 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that on there was a wordy quarrel between the petitioner and the defacto complainant. due to which, the petitioner abused the defacto complainant using filthy language and assaulted him using hands and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are residing in the same village. He has not committed any offence as alleged by the prosecution. The petitioner also lodged a complaint against the defacto complainant, a case has been registered in Crime No.189 of 2018. Hence, he prays for grant of anticipatory bail to the petitioner.

<https://hcservices.courts.gov.in/hcservices/>
4.The learned Additional Public Prosecutor for the respondent would submit that the injured has been discharged from the hospital.



5. Taking into consideration the facts of the case and the submission made on either side, I am inclined to grant 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, 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] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of one week, thereafter as and when required for interrogation.

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

[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 herself 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/-
14/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM.

2. 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.PRABU Advocate SR.No.23325

ORDER

IN

CRL OP(MD) No.22149 of 2018

Date :14/12/2018

TK/PN.AC/SAR-2/19.12.2018/3P/6C