



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

Saturday, the Twenty First day of December Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22579 of 2018

1 MURUGESAN

2 POOBALAN

... PETITIONER / ACCUSED 1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.161/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JEGADEESH PANDIAN, 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 petitioners/Accused 1 and 2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324 , 427 & 506(ii) IPC and Section 4 of Women Harassment Act in Crime No.161 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 13.12.2018, the de facto complainant's son borrowed some amount from the 1st petitioner and he did not pay the said amount. Hence, the first petitioner along with other accused came into de facto complainant's house and assaulted her and also threatened with dire consequences.

3.The learned counsel for the petitioners submits that the second petitioner is innocent and he had nothing with the alleged crime. Hence, anticipatory bail may be granted to the second petitioner. At this stage, he seeks permission of this Court to



withdraw this petition in respect of the first petitioner is concerned. Accordingly, he has made an endorsement to that effect.

4. Recording the endorsement so made, this petition is dismissed as withdrawn as far as the first petitioner is concerned.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, injured has been discharged from the hospital and investigation is going on.

6. Considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner, with certain conditions:-

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Paramakudi and on his executing 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 learned Magistrate concerned and on further condition that

[a] the second petitioner is directed to deposit a sum of Rs.2,500/- (Rupees two thousand and five hundred only) to the credit of Cr.No.161 of 2018 on the file of the respondent Police;

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

[c] the second petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

[d] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the second petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner 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]**.



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

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sd/-
21/12/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.23925

ORDER
IN
CRL OP (MD) No.22579 of 2018
Date : 21/12/2019

AMS/VR/S-4/27.12.2018/3P/6C