



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20909 of 2018

FRANCIS PRITHIVRAJ

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
ILUPUR POLICE STATION,
PUDUKKOTTAI DISTRICT
(CRIME NO.129 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.BALAJI Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

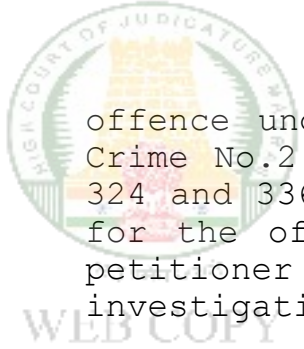
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 352 and 506(ii) of IPC in Crime No.129 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 12.08.2018, when the defacto complainant and his brother were returning to home after completing the prayer, the petitioner and other accused intercepted and abused them with filthy language, for which, the defacto complainant questioned them. Based on the said motive, on 13.08.2018, the petitioner and other accused persons had restrained him, assaulted and threatened him dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that the petitioner is having three previous case which has been registered in Crime No.22 of 2017 for the



offence under Sections 148, 294(b) IPC r/w Section 3 of PPDL Act, Crime No.2 of 2018 for the offence under Section 147, 148, 294(b), 324 and 336 IPC r/w Section 3 of PPDL Act and Crime No.192 of 2018, for the offence under Sections 294(b), 324 and 506(ii) IPC. The petitioner is on bail in all other cases. He further submitted that investigation is pending.

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, Keeranur, Pudukkottai District, 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 twice at Morning 10.30 a.m., and evening 5.00 p.m., 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]**.

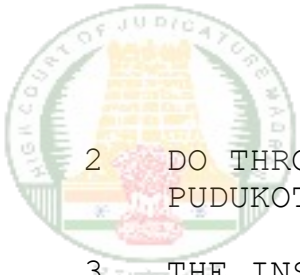
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/11/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE
ILUPUR POLICE STATION,
PUDUKKOTTAI DISTRICT

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

+1. CC to MR.S.BALAJI Advocate SR.No.22069

ORDER

IN

CRL OP (MD) No.20909 of 2018

Date :26/11/2018

MSI/JC/SAR-II/30.11.2018-3P/6C