



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20907 of 2018

VIJAY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT
IN CR.NO.771 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU 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 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC of IPC in Cr.No.771 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the father of the petitioner. On 05.11.2018, due to the family dispute there was a wordy quarrel arose between them and the petitioner attacked the defacto complainant with hand with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. There is a case in counter case was filed in Crime No.772 of 2018 before the same police station.

4.The learned Government Advocate (Crl. Side) submitted that it is a case in counter case.
<https://hcservices.ecourts.gov.in/hcservices/>



5. Taking into consideration the facts of the case and the fact that the no one is taking treatment in the hospital as inpatient and it is a case in counter case, this Court 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, Natham, 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.

M. NIRMAL KUMAR , J.

TM

[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/-
26/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
NATHAM, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.



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

+1. CC to MR.B.JAMEEL ARASU Advocate SR.No.22172

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ORDER

IN

CRL OP (MD) No.20907 of 2018

Date :26/11/2018

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