



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21102 of 2018

SEKAR

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
CRIME NO.1967/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.J.KARTHICK, 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 :-

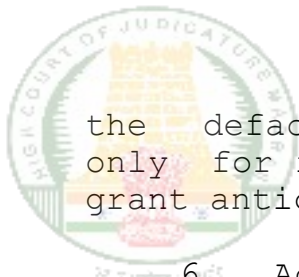
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323,324 and 506(i) of IPC in Cr.No.1967 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives. Due to demise of the one of the family members, when funeral function was going on the defacto complainant and his brother consumed liquor and caused disturbance to the funeral function, when it was questioned by the family members, the defacto complainant fell down and sustained injuries in his fore head.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case, and he had nothing to do with the alleged offence

4. The learned Additional Public Prosecutor would submit that initially the defacto complainant was admitted in the Government hospital, thereafter discharged and taking treatment in private hospital for rectification of marks on his face.

5. Taking into consideration the facts of the case and the submissions by learned counsels and also considering the fact that



the defacto complainant is taking treatment in private hospital only for rectification of marks on his face, 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, before the learned Judicial Magistrate No.6, Madurai 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 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/-

13/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.6, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.J.KARTHICK Advocate SR.No.23245

ORDER

IN

CRL OP(MD) No.21102 of 2018

Date :13/12/2018