



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21260 of 2018

VICTOR @ VIJAY

... PETITIONER / A2

Vs

THE INSPECTOR OF POLICE,
THIRUKKURUNGUDI POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.95/2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

For Respondent : MR.M.ASOKAN, Government 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 294(b), 323 and 506(i) of IPC and Section 4 of TNPWH Act, in Crime No.95 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner abused the defacto complainant with filthy language and assaulted her. Based on the complaint given by the defacto complainant, the respondent police registered a case. Hence, the petitioner earlier granted anticipatory bail, in Cr.M.P.No.3968 of 2017 on 24.08.2017. As per the order of the Court, the petitioner was directed to execute the sureties. Since he could not able to execute the sureties, the anticipatory bail stands automatically cancelled. Aggrieved over the same, the petition has been filed.

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 investigation has been completed and the respondent police laid a charge sheet before the concerned Magistrate on 16.03.2018 which was not taken on file. He further submitted that the petitioner is having three previous cases.



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, Valliyur, 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 is directed to appear before the trial Court on all hearing dates.

[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.

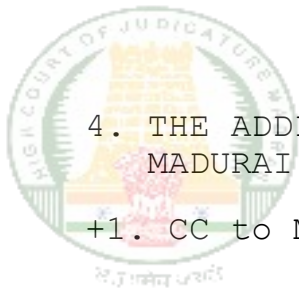
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30/11/2018

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

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYUR
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
3. THE INSPECTOR OF POLICE
THIRUKKURUNGUDI POLICE STATION,
TIRUNELVELI DISTRICT



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

+1. CC to MR.K.SIVABALAN Advocate SR.No.22496

WEB COPY

ORDER

IN

CRL OP (MD) No.21260 of 2018

Date :30/11/2018

RMI

MK/PN/SAR 3/05.12.2018/3P/6C