



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21309 of 2018

MRS.UMADEVI

... PETITIONER / ACCUSED NO.2

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
CHATHIRAPATTI POLICE STATION,
CHATHIRAPATTI,
MADURAI DISTRICT.
CRIME NO.159/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.KANNAN 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, 447 and 506(ii) of I.P.C., in Crime No.159 of 2018, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that it is a false case and that the petitioner is innocent person and due to civil dispute between the petitioner and the defacto complainant, this false case has been foisted against the petitioner.

3. The learned Government Advocate (Criminal Side) would submit that a wordy quarrel between the petitioner and the defacto complainant and no one was injured in this case.

4. 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.



5. 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-V, 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/-
03/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V,
MADURAI
2. DO THROU' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT
3. THE INSPECTOR OF POLICE
CHATHIRAPATTI POLICE STATION,
CHATHIRAPATTI,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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3

+1. CC to MR.M.KANNAN Advocate SR.No.22621

ORDER

IN

CRL OP (MD) No.21309 of 2018

Date :03/12/2018

KSA

MK/VR MMS/SAR 2/12.12.2018/3P/6C