

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17645 of 2019

A.ASAITHAMBI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.
CRIME NO.364 OF 2019

For Petitioner : M/S.PARTHASARATHY S. Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDL.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 offences punishable under Sections 323 and 506(i) of IPC in Crime No.364 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that Mrs.Jeevarathinam, wife of the petitioner had lodged a complaint with the respondent police alleging that on 09.06.2019, the petitioner had caused injury with the hand and criminally intimidated. Hence, the complaint.

3.The learned counsel for the petitioner would submit that to counter blast the complaint lodged by the petitioner in Crime No.363/2019 for the offence under Sections 448, 323 and 506(i) of IPC against the defacto complainant and his son, this complaint has been lodged. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the dispute between the husband and wife and case in counter pending in Crime No.363/2019. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate Omalur, Salem 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
08/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

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

3 THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PARTHASARATHY S. Advocate on payment of
necessary charges SR.NO. 13736

CRL OP.17645/2019

Date :08/07/2019

CSL/16.07.2019



WEB COPY