

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.17764 of 2019

SELLAPANDIAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.146 OF 2019

For Petitioner : M/S.D.PRABU Advocate

For Respondent : M/S.M.PRABHAVATHI, 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 offences punishable under Sections 294 (b), 324 and 506(ii) of Indian Penal Code 1860 in Crime No.146 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 11.06.2019, the petitioner came to defacto complainant's house and enquired about his wife. Due to sudden quarrel and tension, the petitioner threatened with dire consequences and attacked his mother in law (defacto complainant) with spade (mannvetti) in her hand and leg, and abused her with filthy languages. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was not present in the scene of occurrence and he is an innocent person. Further, he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. It is only a family dispute. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to the family dispute, the petitioner attacked the defacto complainant and the injured discharged. 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 No.II, Mannarkudi 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,
NO.II, MANNARKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KOOTHANALLUR POLICE STATION,
TIRUVARUR DISTRICT.

+1CC to M/S.D.PRABU Advocate on payment of necessary charges
SR NO.13680

CRL OP.17764/2019

Date :08/07/2019

MK:11/07/2019



WEB COPY