



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1075 of 2019

SUBASH

... PETITIONER /1<sup>st</sup> ACCUSED

Vs

THE STATE REP.BY ITS  
THE INSPECTOR OF POLICE  
KADAYANALLUR POLICE STATION,  
TIRUNELVELI DISTRICT  
(CRIME.NO.19/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.J.KARTHICK Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. 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 alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC, in Cr.No.19 of 2019, seeks anticipatory bail.

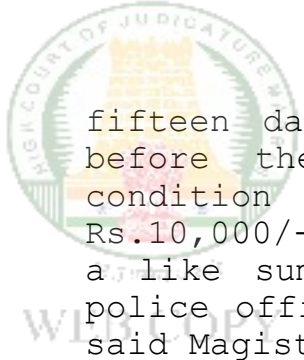
2. The case of the prosecution is that during Temple festival the accused assaulted the defacto complainant with iron rod and wooden stick and caused injury and abused the defacto complainant with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would submit that the petitioner is studying in Polytechnic College.

4. The learned Government Advocate (Crl.side) would submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, 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, Tenkasi on further 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 said Magistrate, on further condition that:

**[a]** if the petitioner failed 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 on every Saturday and Sunday at 10.30 am for a period of three 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
25/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE  
KADAYANALLUR POLICE STATION, TIRUNELVELI DISTRICT .

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

+1. CC to Mr.R.J.KARTHICK Advocate SR.No.1440  
PS/VR/SAR-4/29.01.2019/2P/6C

ORDER  
IN  
CRL OP(MD) No.1075 of 2019  
Date :25/01/2019