



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1119 of 2019

1.DHARMADURAI

2 DHINESH

... PETITIONERS / ACCUSED NOS.2 AND 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.

(IN CRIME NO.19/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SURESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

For Intervenor : MR.T.LENIN KUMAR, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) of IPC r/w. Section 4 of Women Harassment Act in Crime No.19 of 2019, seek anticipatory bail.

2. The case of the prosecution is that due to some wordy quarrel, the petitioner and other accused attacked the de facto complainant with hands and threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) would submit that investigation is pending.

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

5.Taking into consideration the facts of the case and the



submissions by learned counsel on either side, 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, Aranthangi 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 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 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/-

01/02/2019

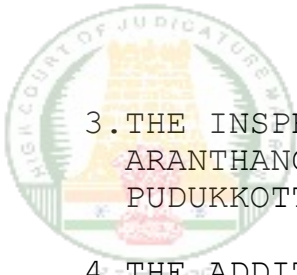
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to MR.M.SURESH Advocate SR.No.2201

+1. CC to MR.T.LENIN KUMAR, Advocate SR.No.2278

ORDER

IN

CRL OP (MD) No.1119 of 2019

Date :01/02/2019

AE/VR/SAR-II/19.02.2019/3P/7C