



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1134 of 2019

P. SARAVANAN

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
THILAGARTHIDAL POLICE STATION LAW AND ORDER,
MADURAI.
MADURAI DISTRICT.
Crime No.20 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.JEYAKUMARAN 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 :-

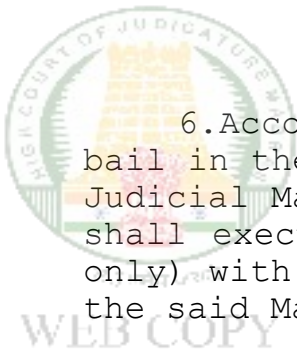
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 448, 323 and 506(i) of IPC in Cr.No.20 of 2019 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are brothers. Due to family dispute, the petitioner assaulted the defacto complainant and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the brother of the defacto complainant and he has nothing to do with the alleged offence.

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

5.Taking into consideration the facts of the case and the submissions by learned counsels and that the petitioner herein is the defacto complainant, this Court inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No. II, 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 fails 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/-
25/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II, MADURAI.
2. THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THILAGARTHIDAL POLICE STATION LAW AND ORDER, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. J. JEYAKUMARAN Advocate SR.No.1443

ORDER IN
CRL OP(MD) No.1134 of 2019
Date : 25/01/2019