



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1340 of 2019

KAMALRAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime No.4 of 2019

... COMPLAINANT/ RESPONDENT

For Petitioner : Mr.D.BALAMURUGAPANDI 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, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 323 IPC and Section 4 of Woman Harassment Act, in Cr.No.4 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have attacked the defacto complainant, scolded him with filthy language and made a life threat to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence.

4. The learned Government Advocate (crl. Side) would submit that this is a case in counter case.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court 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 Mudukulathur, Ramanathapuram 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 said Magistrate, on further conditions 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.D.BALAMURUGAPANDI Advocate SR.No.1679

ORDER

IN

CRL OP (MD) No.1340 of 2019

Date :29/01/2019

TK/VR/SAR-1/06.02.2019/3P/6C