



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1416 of 2019

PERUMA

... PETITIONER / ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
SIVAGANGAI TALUK STATION,
SIVAGANGAI.
(IN CRIME.NO.19/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MOHAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHRATHI 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 341, 294(b), 323 & 506(ii) of IPC in Cr.No.19 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner and another have restrained the *de facto* complainant and threatened him by saying obscene words and assaulted him by hands.

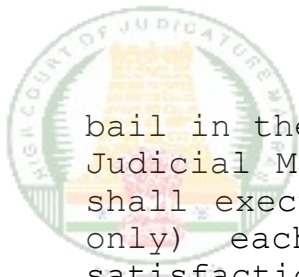
3. The learned counsel for the petitioner would submit that he never attacked the *de facto* complainant and it is a false complaint lodged against him.

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 inclined to grant anticipatory bail to the petitioner.

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

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-II, Sivagangai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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[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/-
30/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II, SIVAGANGAI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 - 3 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK STATION, SIVAGANGAI .
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.MOHAN Advocate SR.No.1820
PS/JC/SAR-3/05.02.2019/2P/6C

ORDER
IN
CRL OP(MD) No.1416 of 2019
Date : 30/01/2019