



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1473 of 2019

AJITH

... PETITIONER / ACCUSED No. 3

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO.74 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR 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 :-

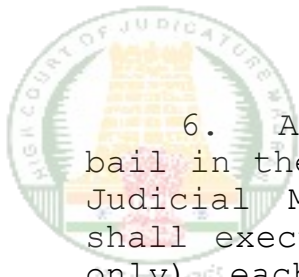
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 354 & 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act in Cr.No.74 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that due to dispute between the petitioner and the *de facto* complainant, it led to a quarrel among themselves in by which the petitioner had assaulted the *de facto* complainant's husband and caused simple injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that he did not involve in the alleged offence and he has been arrayed as the third accused in this case and he is not aware of the dispute between the petitioner and the first accused, who is his friend. The co-accused has obtained anticipatory bail in Crl.O.P.(MD) No.1799 of 2018 before this Court.

4. The learned Government Advocate(Crl.Side) would submit that the co-accused has been granted anticipatory bail in Crl.O.P.(MD) No.1799 of 2018 before this Court.

5. Taking into consideration the facts of the case and the submissions by learned counsels and since the co-accused has obtained anticipatory bail, 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, before the learned Judicial Magistrate, Valliyoor 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:

[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

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to MR.C.SUSI KUMAR Advocate SR.No.1927

ORDER IN

CRL OP(MD) No.1473 of 2019

Date :30/01/2019