



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1482 of 2019

PRASANNA

... PETITIONER/SINGLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
NORTH POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
IN CR.NO.26/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SARAVANAKUMAR, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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), 323, 506(ii) of IPC and Section 3 of TN MSP and MSI Act 2008 in Cr.No.26 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that due to quarrel between the petitioner and the hospital authority regarding discharge his father the petitioner herein abused the hospital authority staffs, assaulted them and threatened with dire consequences. The further case is that he damaged the hospital building worth about Rs.6400/-

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 . However without prejudice to his contention he is willing to pay Rs.6400 /- as compensation to the Devagi Hospital, Karaikudi and prayed for anticipatory bail.

4. Heard the learned Government Advocate(Crl.Side)appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsels ,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, Karaikudi 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 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall pay a sum of Rs.6400/- to the Devagi Hospital, Karaikudi without prejudice to his defence as compensation.

[c] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
 - 3 THE SUB INSPECTOR OF POLICE
NORTH POLICE STATION, KARAIKUDI, SIVAGANGAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.SARAVANAKUMAR, Advocate SR.No.1884

ORDER IN
CRL OP(MD) No.1482 of 2019
Date :31/01/2019