



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1555 of 2019

AATHAVAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY ITS
THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION,
THENI DISTRICT.
Crime No.35 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.ARUN 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 offences punishable under Sections 294(b), 323 and 506(i) I.P.C, in Crime No.35 of 2019, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners assaulted the defacto complainant with deadly weapons and caused injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner and the defacto complainant are close relatives. Due to some misunderstanding, the petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that defacto complainant had sustained injury and he is taking treatment as in-patient.



5. Considering the facts and circumstances of the case and on perusal of the AR copy it is seen that the injury sustained by the injured is simple injury in nature, this Court is inclined to grant anticipatory bail to the petitioner.

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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, Aundipatti, 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] the petitioner shall appear before the respondent police daily at 10.30.am, for a period of two weeks, thereafter, as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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/-
01/02/2019

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

TO

<https://hcservices.mca.gov.in/hcservices/>
1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI.



2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr.B.ARUN Advocate SR.No.2165

ORDER

IN

CRL OP(MD) No.1555 of 2019

Date :01/02/2019

TK/PN/SAR-3/13.02.2019/3P/6C