



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.164 of 2019

LAKSHMI

... PETITIONER / 3rd ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT.
Crime No.155/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH 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), 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.155 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute the petitioner along with other accused abused the defacto complainant, assaulted her with wooden log and threatened her with dire consequences

3.The learned counsel for the petitioner would submit that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that investigation is pending and that the co-accused in this was granted anticipatory bail by this Court.



5. Taking note of the facts and circumstances of the case and also the submissions made by the learned counsel on either side and the fact that co-accused in this case was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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, Mudukulathur 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 concerned and 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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
10/01/2019

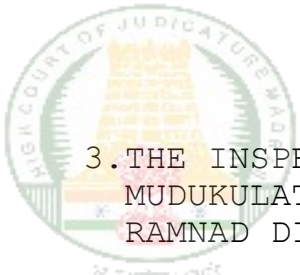
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
MUDUKULATHUR.

<https://hcservices.mca.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMNAD DISTRICT.



3. THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT.

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

+1. CC to Mr.D.VENKATESH Advocate SR.No.650

ORDER
IN
CRL OP (MD) No.164 of 2019
Date :10/01/2019

TK/VR/SAR-1/23.01.2019/3P/6C