



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.1686 of 2019

VINAYAGAMOORTHY

... PETITIONER/ACCUSED No.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO.32 OF 2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SADESKUMAR, 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 offences punishable under Sections 147, 448, 294(b), 323, 506(i) I.P.C and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1922, in Crime No.32 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant's son, due to which, the petitioner and his son trespassed into the defacto complainant's home and assaulted him 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, since there was a civil dispute between the petitioner and the defacto complainant's son. He has been falsely implicated in this case.

4. Heard the learned Government Advocate (Criminal Side) for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



5. Considering the facts and circumstances of the case and also considering the fact that the dispute arose on account of wordy quarrel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the Rojavanam Oldage Home, Utthagudi, Melur Main Road, Madurai and on such deposit 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 No.II, Srivilliputhur, Virudhunagar District, 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 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

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

COPY TO: THE OFFICER INCHARGE,
THE ROJAVANAM OLDAGE HOME, UTHANGUDI,
MELUR MAIN ROAD, MADURAI.

+1. CC to MR.S.SADESKUMAR Advocate SR.No.2136

ORDER
IN
CRL OP(MD) No.1686 of 2019
Date :01/02/2019

DAS
PK/PN/SAR-1/18.02.2019 : 3P/7C