



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.1712 of 2019

1.DHEEPAN RAJ,
2 JOTHI BASU,
3 PRAVEEN @ PREM, ... PETITIONERS NO.1 TO 3/ ACCUSED NOS.1 TO 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
LALA PET POLICE STATION,
KARUR DISTRICT.
(CRIME NO. 27 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.A.S.ALAUDEEN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 342 and 506(ii) of IPC r/w. Section 4 of Tamil Nadu Harassment of Women Act, 2002 in Crime No.27 of 2019 seek anticipatory bail.

2. The case of the prosecution is that on 17.01.2019, the defacto complainant and other persons were conducted the competition at about 08.30 p.m., at that time, the petitioners were crossing the street by using their motor cycles in a rash and negligent manner. The de facto complainant asked them to stop the vehicle and suddenly the petitioners were quarrelled with the de facto complainant and others and also assaulted with stone and threatened the de facto complainant with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with the offence, as alleged by the prosecution.

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4.The learned Government Advocate (Crl.side) would submit that



injured has already been discharged from the hospital. He further submitted that the investigation is pending.

5. Taking into consideration the facts of the case and the submissions by learned counsel on either side, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, 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 respondent police or the police officer who intends to arrest or 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 report before the respondent 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/-
01/02/2019

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

TO

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1. THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI.



2. DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,
LALA PET POLICE STATION,
KARUR DISTRICT.

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

ORDER
IN
CRL OP (MD) No.1712 of 2019
Date :01/02/2019

AE/JC/SAR-II/13.02.2019/3P/5C