



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

Monday, the Fourth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1828 of 2019

RAVICHANDRAN

... PETITIONER/ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
SALAIGRAMAM POLICE STATION
IN CR.NO.96/2017
SIVAGANGAI DISTRICT

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.RAMESH KUMAR, Advocate

For Respondent : MR.A.ROBINSON, 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 under Sections 147, 148, 294(b), 324, 355 and 506(ii) I.P.C. in Cr.No.96 of 2017 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 07.08.2017, due to civil dispute, the petitioner and four others had attacked the defacto complainant namely, Boominathan and caused injuries on him. Thereby, the defacto complainant has sustained injuries. Therefore, the Law Enforcing Agency has registered the case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not know about the case registered against him. He went to abroad for his livelihood. After returning he came to know about the case, which was registered against him. The petitioner did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that after completing investigation, absconding charge sheet has been filed in respect of the petitioner and since the petitioner had not appeared before the trial Court, the trial Court is not able to conclude the committal proceedings.



5. In view of the above, this Court is inclined to direct the petitioner to appear before the trial Court for completing the committal proceedings. 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 District Munsif Cum Judicial Magistrate, Ilayangudi, 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 learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the committal Court daily at 10.30 a.m., until further orders;

(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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/02/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to MR.K.RAMESH KUMAR, Advocate SR.No.45000

ORDER

IN

CRL OP(MD) No.1828 of 2019

Date :04/02/2019

MYR

PK/JC/SAR-1/08.02.2019 :3P/6C