



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1880 of 2019

A.VADIVEL ... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
T.KALLUPATTI POLICE STATION,
PERAIYUR TALUK, MADURAI DISTRICT.
CRIME NO.27/2019 ... RESPONDENT / COMPLAINANT

PANDIMURUGAN ... PETITIONER/ INTERVENER

For Petitioner : Mr.K.MUTHUMALAI, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervenor : Mr.PALANISAMY, Advocate for Mr.G.SIVARAJ, Advocate

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 offence under Sections 294(b) and 307 IPC in Cr.No.27 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to political enmity on 29.01.2019 the petitioner drove the vehicle bearing No.TN 22 AY/4069 and dashed against the defacto complainant's car bearing No.TN 20 AU 0331. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) without prejudice to his rights. Thereafter, the learned Magistrate disburse the said amount to defacto complainant.



4. The learned counsel appearing for the intervenor would submit that due to political enmity the petitioner dashed against the defacto complainant's vehicle worth about Rs.25,000/- (Rupees Twenty Five Thousand only).

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5. The learned Government Advocate (Crl.side), on instructions, would submit that if the petitioner ready to deposit substantial amount, this Court may consider his bail application.

6. Considering the facts and circumstances of the case and also considering the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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, Peraiyur, 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 his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall deposit a sum of Rs.1,000/- (Rupees Ten Thousand only) to the credit of the crime No.27 of 2019 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the learned Magistrate disburse the amount to the defacto complainant within a period of two weeks, after verifying their identification

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. , until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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.R.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

sd/-

07/02/2019

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
T.KALLUPATTI POLICE STATION,
PERAIYUR TALUK, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.MUTHUMALAI Advocate SR.No.2633

ORDER

IN

CRL OP(MD) No.1880 of 2019

Date :07/02/2019

MS/PN/SAR-1/13.02.2019/3P.6C