



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2288 of 2019

PANDIYAN

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
E.PUDUR POLICE STATION,
TRICHY CITY
(CRIME NO.68/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SATHYA CHIDAMBARAM, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

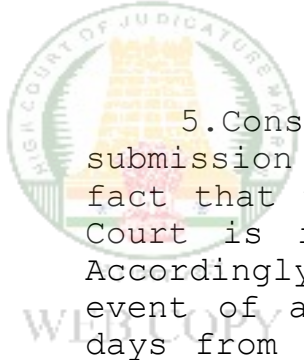
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(ii) I.P.C. r/w Section 3(i) TNPPDL Act in Cr.No.68 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are the neighbours. Due to previous enmity, the petitioner entered into the defacto complainant's house and damaged worthy about Rs.300/- (Rupees Three Hundred only) and abused him in filthy language and attacked him. Thereby, the defacto complainant sustained injury. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is ready to deposit a sum of Rs.1,000/- (Rupees One Thousand only) in favour of the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured person has been discharged from the hospital.



5. Considering the facts and circumstances of the case and the submission of the learned counsel for the petitioner and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner. 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.II, Trichy, 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 deposit a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of the Crime No.68 of 2019 and thereafter, the learned Magistrate shall disburse the said amount to the defacto complainant, without filing any formal petition ;

(c) the petitioner shall report before the respondent police 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/-
13/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY

3 THE INSPECTOR OF POLICE
E.PUDUR POLICE STATION, TRICHY CITY

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

+1. CC to MR.S.SATHYA CHIDAMBARAM, Advocate SR.No.3008

ORDER

IN

CRL OP(MD) No.2288 of 2019

Date :13/02/2019

RMK

PK/PN/SAR-1/18.02.2019 : 3P/6C