



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

Friday, the Fifteenth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2395 of 2019

MUTHU UDAIYAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.158/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK, 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 :-

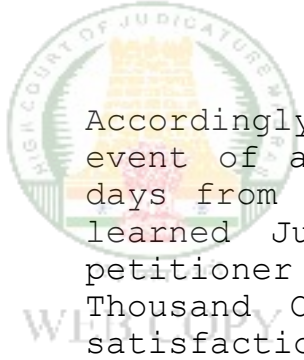
The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 294(b), 323 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002, in Cr.No.158 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.12.2018, the defacto complainant's hen sustained injuries due to the rash driving of Thirumugan Mini Bus's driver. Hence, the defacto complainant questioned the rash driving of the above driver. In these circumstances, the petitioner abused the defacto complainant by using filthy languages and consequently, he attacked the defacto complainant by using hands and legs. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured in this case has been treated as out patient.

5.Considering the facts and circumstances of this case and since the injured person has been treated as out patient, 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, Paramakudi, 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 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 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]**; and;

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

sd/-

15/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.S.JEYAKARTHIK Advocate SR.No.3228

ORDER IN

CRL OP(MD) No.2395 of 2019

Date :15/02/2019