



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.2399 of 2019

MALAISAMY

... PETITIONER/A-4

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
CRIME NO.303/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.K.MANICKAM, 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 147, 148, 294(b), 448, 342, 323, 324, 307, 506(ii) of IPC and Sections 3(1) of TNPPDL Act, 1992, in Cr.No.303 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the daughter of the defacto complainant's brother namely one Vanjiram and the 1st accused are schoolmates from 1st standard to 12th standard and at present the said Vanjiram is studying college. The family members of the 1st accused asked the parents of the said Vanjiram for solemnisation of marriage of their daughter with the 1st accused. The defacto complainant's brother refused to accept the said proposal. Hence, the accused attacked the defacto complainant with aruval and caused injury and threatened him and his family members with dire consequences. Further the accused have damaged the door of the house of the defacto complainant worth about Rs.1,000/-.

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 investigation is pending, however the injured person in this case has been discharged from the hospital.

5. Considering the facts and circumstances of this case and since the injured person is 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, Uthamapalayam, 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, UTHAMAPALAYAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION, THENI DISTRICT

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

+1. CC to MR.A.K.MANICKAM, Advocate SR.No.3196

ORDER

IN

CRL OP (MD) No.2399 of 2019

Date :15/02/2019

TM

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