



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

Tuesday, the Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.267 of 2019

SEEMARAJ

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO. 2 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.ANANDAKUMAR Advocate

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

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

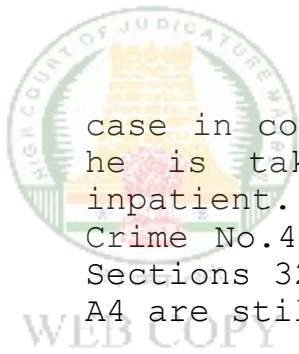
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.2 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that earlier, there was a wordy quarrel between the mother of the defacto complainant and the daughter of the petitioner herein. Due to that, the petitioner and four other accused attacked the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit the petitioner did not involve in the offence as alleged by the prosecution and he is an innocent person and the respondent police did not register an FIR on the complaint given by the petitioner herein. The defacto complainant is the real aggressor to the occurrence.

4. The learned Government Advocate (Crl. Side) would submit that there are totally five accused in this case. This is a case and



case in counter. The defacto complainant sustained head injury and he is taking treatment in Aruppukottai Government Hospital as inpatient. On the complaint given by the petitioner, a case in Crime No.4 of 2019 was registered for the offence punishable under Sections 323 and 506(ii) IPC. Other than the petitioner, A2, A3 and A4 are still in custody.

5. Taking into consideration the facts of the case and the submissions by learned counsel, this Court inclined to grant anticipatory bail to the petitioner.

6. 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, Virudhunagar, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the learned Judicial Magistrate No.II, Virudhunagar, as and when required for interrogation.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.581

ORDER

IN

CRL OP(MD) No.267 of 2019

Date :08/01/2019

AE/JC/SAR3/11.01.2019/3P/6C