



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2858 of 2019

LAKSHMANAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME.NO.25/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MANDHIRALINGESWARAN 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 :-

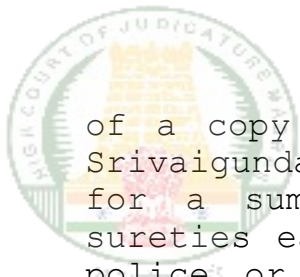
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 and 506(ii) of IPC, in Cr.No.25 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Due to previous enmity there was a quarrel arose between the petitioner and the defacto complainant, in which the petitioner assaulted the defacto complainant. 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. Accordingly, he prayed for anticipatory bail.

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

5.Considering the facts and circumstances of the case and since the injured person treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Srivaigundam, 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/-

25/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SRIVAIGUNDAM, THOOTHUKUDI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.S.MANDHIRALINGESWARAN Advocate SR.No.3779
PS/JC/SAR-4/27.02.2019/2P/6C

ORDER

IN

CRL OP (MD) No.2858 of 2019

Date : 25/02/2019