



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2946 of 2019

SUKUMAR

... PETITIONER / ACCUSED No. 2

Vs

THE INSPECTOR OF POLICE
KALLAL POLICE STATION,
TIRUPATUR TALUK,
SIVAGANGAI DISTRICT
CRIME NO.43 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.RM.ARUN SWAMINATHAN 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 :-

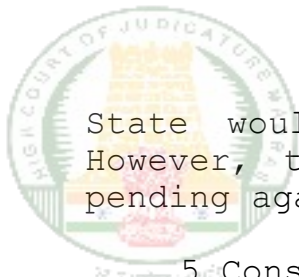
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 307 and 506(ii) of IPC, in Cr.No.43 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on suspicion that the defacto complainant is an informer to the police and informed about the illegal sand mining of the petitioner, the petitioner along with other accused persons attacked the defacto complainant and thereby, he sustained injuries and admitted in the hospital. 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. He would further submits that the petitioner is an college student who studying Hotel Management and going to attend semester examinations from 07th March onwards. Accordingly, he prayed for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.Side) appearing for the



State would submit that the injured person still in hospital. However, the injuries are simple in nature and no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and since the petitioner is a college student and going to attend the semester examinations in this month, 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, Karaikudi, Sivagangai District 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 6.00 p.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/-

04/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT



3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, TIRUPATUR TALUK,
SIVAGANGAI DISTRICT

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

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+1. CC to MR.RM.ARUN SWAMINATHAN Advocate SR.No.4208

ORDER

IN

CRL OP(MD) No.2946 of 2019

Date :04/03/2019

MSI/PN/SAR 4/07.03.2019/3P-6C