



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

Monday, the Eleventh day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3465 of 2019

KASI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP THROUGH
THE INSPECTOR OF POLICE,
MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME.NO.20/2019)

... 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.

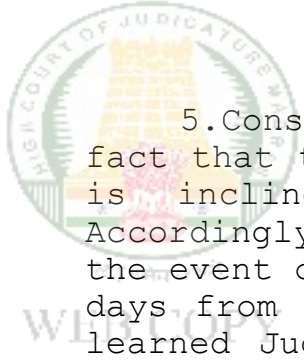
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, and 506(ii) of IPC r/w. Section 4 of TNPHW Act in Cr.No.20 of 2019, on the file of the respondent police , seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.20,000/- from the petitioner and on 25.02.2019 when the petitioner demanded money and thereby due to wordy altercation the petitioner 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 has been falsely implicated in this case and he has have nothing to do with the alleged offence. He would also submit that no one sustained injuries in the scene of occurrence and due to wreck vengeance he has voluntarily admitted in the hospital.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the victim sustained simple injury



5. Considering the facts and circumstances and considering the fact that the injury sustained by the victim is simple, 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, Sathankulam, Thoothukudi 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 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/-
11/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
SATHANKULAM, THOOTHUKUDI DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1. CC to Mr.S.MANDHIRALINGESWARAN Advocate SR.No.4640

PS/PN/SAR-4/13.03.2019/3P/6C

ORDER

IN

CRL OP (MD) No.3465 of 2019

Date :11/03/2019