



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

Wednesday, the Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.353 of 2019

AJITH @ PERIYANNAN

... PETITIONER / ACCUSED 3

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.K.MUTHU GANESA PANDIAN 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, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Cr.No.148 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the family of the petitioner and the defacto complainant. On 18.11.2018, at about 09.00 a.m., there was a wordy quarrel between the defacto complainant and the petitioner with regard to the parking of vehicle. While so, the petitioner armed with an iron rod and beat on the head of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence.

4. The learned Government Advocate (crl. Side) would submit that co accused has been released on bail.



5. Taking into consideration the facts of the case and the submissions made by the 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, Thuraiyur, 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 conditions 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 respondent police, 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/-
09/01/2019

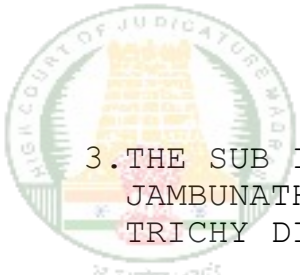
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
THURAIYUR.

<https://hcservices.mca.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3. THE SUB INSPECTOR OF POLICE
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to Mr.K.MUTHU GANESA PANDIAN Advocate SR.No.502

ORDER

IN

CRL OP (MD) No.353 of 2019

Date : 09/01/2019

TK/PN/SAR-3/21.01.2019/3P/6C