



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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3992 of 2019

K. MARIMUTHU,

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
SEITHUR,
VIRUDHUANGAR DISTRICT.
(CRIME NO.67 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. P. KRISHNASAMY 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 :-

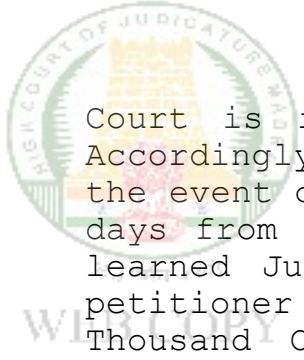
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 506(i) in Cr.No.67 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner and the defacto complainant attacked each other, for which case and counter case were registered as against the petitioners as well as the defacto complainant.

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.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured has been discharged from the hospital

5.Considering the facts and circumstances and considering the fact that the injured had been discharged from the hospital , 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, Rajapalayam 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/-
15/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM

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



3. THE SUB INSPECTOR OF POLICE,
SEITHUR POLICE STATION, SEITHUR,
VIRUDHUANGAR DISTRICT.

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

+1. CC to MR. P. KRISHNASAMY Advocate SR.No.4957

ORDER

IN

CRL OP (MD) No.3992 of 2019

Date :15/03/2019

AE/JC/SAR-II/20.03.2019/3P/6C