



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

Friday, the Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4123 of 2019

MUTHU

... PETITIONER / ACCUSED No. 1

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
THIRUPPUNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.3 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR. K. BAALASUNDHARAM 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 offence under Sections 294(b), 323 and 506(i) of IPC in Cr.No.3 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner borrowed a sum of Rs.2,00,000/- from the defacto complainant. Thereafter, the said amount was demanded by the defacto complainant, for which, both of them attacked each other. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that they withdrew the petition seeking cancellation of anticipatory bail granted by the Court below in favour of the defacto complainant and others in the counter case in Crime No.4 of 2019.

4.The learned counsel appearing for the intervenor submitted that defacto complainant has no objection for grant of anticipatory bail to the petitioner.

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

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



respondent would submit that injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the mother of the petitioner has withdrawn the cancellation of bail application in the counter case and the defacto complainant has no objection to grant anticipatory bail to the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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, Aranthangi, Pudukkottai 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 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 petitioners 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/-

05/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
ARANTHANGI, PUDUKOTTAI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI

3 THE INSPECTOR OF POLICE
THIRUPPUNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to MR. K. BAALASUNDHARAM Advocate SR.No.6308

ORDER

IN

CRL OP(MD) No.4123 of 2019

Date :05/04/2019

MSI/JC/SAR 2/11.04.2019/3P-6C