

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

Tuesday, the Second day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4962 of 2019

AMARNATH GOPIKANNAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.144 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MOHAN FOR MR.V.SASI KUMAR 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 offences under Sections 294(b), 323, 353 and 506(i) of IPC in Crime No.144 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in Thoothukudi Municipality and on 25.03.2019, while the defacto complainant approached the petitioner for collection of a sum of Rs.6,396/- towards water tax of the petitioner's house. Thereafter, a wordy quarrel arose between them the petitioner abused the defacto complainant with filthy language prevented the defacto complainant from discharging his official duty and also threatened him. Hence, a complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, would submit that the petitioner is ready to pay a sum of Rs.15,000/- to the Kovilpatti Municipality. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that since the petitioner himself has come forward to pay Rs.15,000/- to the Kovilpatti Municipality and he has no serious objection for grant of anticipatory bail. He would further submit the investigation is still pending.

5.Considering the facts and circumstances and considering the fact that there is no specific overtact against the petitioner, 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 Judicial Magistrate Court No.I, Kovilpatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each 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 shall pay a sum of Rs.15,000/- to the Kovilpatti Municipality, Thoothukudi District and thereafter sureties shall be accepted;

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m.,until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/04/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

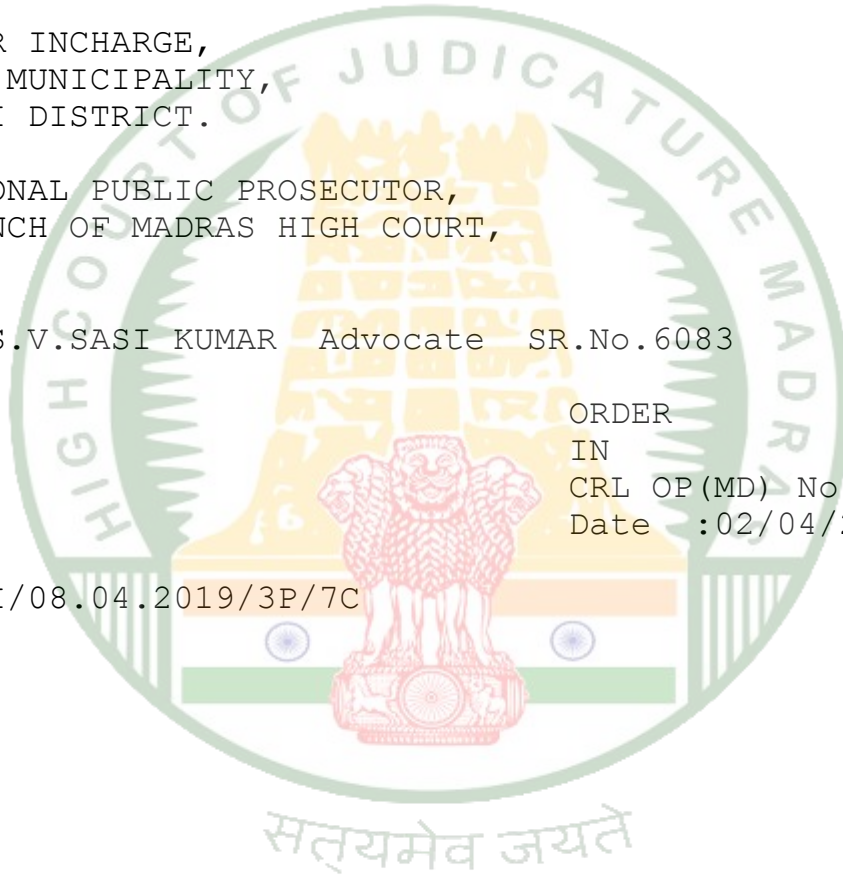
4. THE OFFICER INCHARGE,
KOVILPATTI MUNICIPALITY,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.V.SASI KUMAR Advocate SR.No.6083

ORDER
IN
CRL OP(MD) No.4962 of 2019
Date : 02/04/2019

AE/MMS/SAR-II/08.04.2019/3P/7C



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