



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5250 of 2019

R.AJITH RAJA

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.76 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervenor : MR.D.S.HAROON RASHEED, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 506(ii) of IPC in Cr.No.76 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioner abused the defacto complainant, brutally assaulted the defacto complainant for which his jaw was dislocated and lost his four teeth and admitted in the hospital. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that both the defacto complainant and the petitioner are working in abroad and are close relatives. In earlier dispute the defacto complainant attacked the petitioner thereby he sustained injuries, considering the relationship he did not give any complaint against the defacto complainant. However without prejudice to his rights and contentions the petitioners are willing to deposit Rs.60,000/- to the credit in Crime number and thereafter the same shall be disbursed to the defacto complainant for his treatment.



4. The learned counsel for the intervenor would concede the request made by the learned counsel for the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the injured person discharged from the hospital and since the petitioner has come forward to deposit some amount for the treatment, this court may pass appropriate orders.

5. Considering the facts and circumstances and also considering the fact that the petitioner has come forward to deposit some amount to the defacto complainant, for his treatment 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, Pattukottai, Thanjavur District on condition that the petitioners 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 is directed to deposit Rs.60,000/- to the credit in Crime No. 76 of 2019 before the learned Judicial Magistrate, Pattukottai, Thanjavur District and on such deposit the learned Magistrate shall disburse the same to the defacto complainant for his treatment

(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 10.30a.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/-

25/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate SR-7326

+1. C.C. to M/S.D.S.HAROON RASHEED, Advocate SR.No. 7284

ORDER

IN

CRL OP(MD) No.5250 of 2019

Date :25/04/2019

JM/JC/SAR 1/02.05.2019/3P/7C