



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5290 of 2019

MICHAELRAJ

... PETITIONER / ACCUSED NO.7

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO.211 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR 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 147, 148, 452, 294 (b), 323, 427, 506 (ii) of IPC r/w Section 4 of Woman Harassment Act, 25 (1) (A) of Arms Act and 4 (a) of Explosive Substances Act, in Cr.No.211 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A7. A1 and the defacto complainant are practicing advocate and also close friends. They have practiced jointly. Due to some misunderstanding the defacto complainant has started individual practice. However, he used A1's chamber, for which, there was a wordy quarrel between A1 and the defacto complainant. A1 along with other accused persons including this petitioner, assaulted the defacto complainant and threatened him with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit that A1 and the defacto complainant have entered into



compromise and there is no dispute between them. No one has sustained injury. Hence, he pray anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent police did not dispute the above said submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances and considering the fact that there was no one has sustained injury, 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, No. I, Tuticorin, 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his 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 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/-

08/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO. I,
TUTICORIN.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.



3 THE INSPECTOR OF POLICE,
TUTICORIN SOUTH POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No. 6438

ORDER
IN
CRL OP (MD) No.5290 of 2019
Date :08/04/2019

JM/JC/SAR 2/15.04.2019/3P/6C