

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

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6092 of 2019

SELVAKUMAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.69 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.RAMU 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 147,341,294 (b), 323 and 506(ii) of IPC in Cr.No.69 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that when the defacto complainant visited the petitioner's village, the petitioner waylaid the defacto complainant and threatened him with dire consequences. 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 and he is an innocent person. Infact on earlier occasions the petitioner's mother approached this Court in Crl.O.P (MD) No.952 of 2019 and this Court by its order directed the second respondent to proceed in accordance with law in Survey Number 525 of 2018 and liberty granted to the petitioner's mother to file a private complaint against the persons responsible for unlawful eviction, Further due to wreck vengeance the respondent police registered registered two cases.

against the petitioner, which is of not heinous in nature.

5.Considering the facts and circumstances of the case and also considering the fact that the offence committed is not heinous in nature, 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, Sankarankovil 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 Tirunelveli Town Police Station 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/-
26/04/2019

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

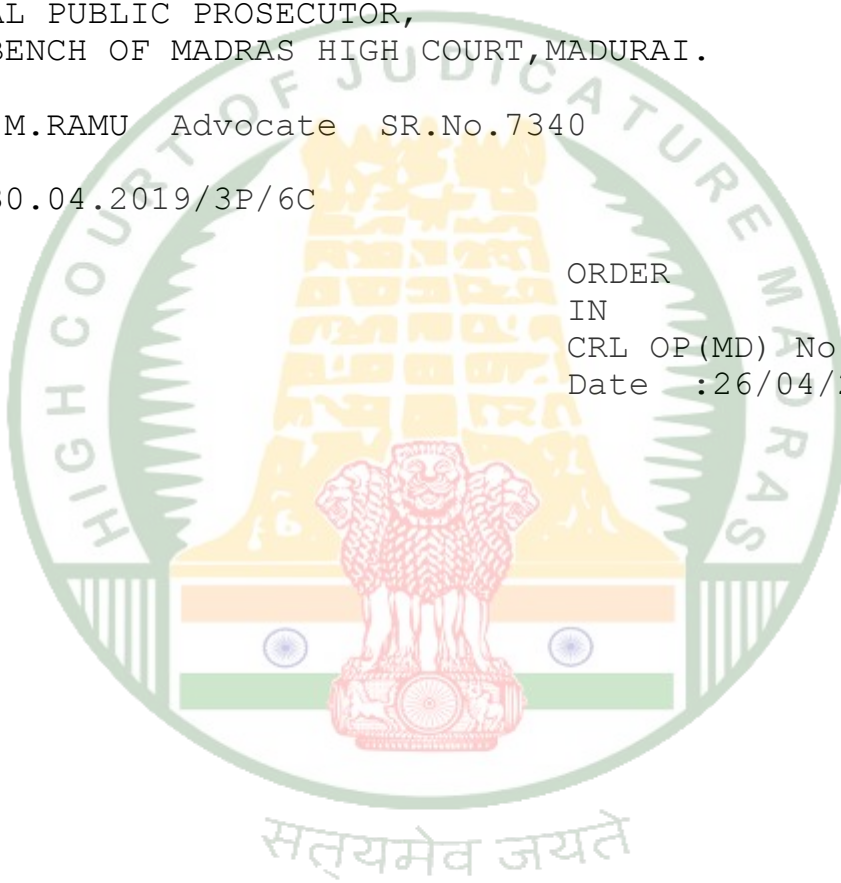
TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.RAMU Advocate SR.No.7340

PS/JC/SAR-4/30.04.2019/3P/6C

ORDER
IN
CRL OP(MD) No.6092 of 2019
Date :26/04/2019



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