

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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6541 of 2019

GOWTHAM

... PETITIONER / 5th ACCUSED

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
THONDI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT.

Crime No.50 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.JEYAPRAKASH 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294 (b), 509 and 506(i) of IPC in Cr.No.50 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant and the petitioners are in the same village. The petitioner along with others misbehaved with the defacto complainant, the same was questioned by the defacto complainant's father. Thereby, one of the accused try to attack the defacto complainant with Aruval. 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 innocent. He would further submit that the petitioners and the defacto complainant are relatives. There was a dispute with regard to the parking of an Auto in the Thinaiyathur Village. The petitioner along with others objected for parking the defacto complainant father's Auto in the bus stand for which the defacto complainant lodged a false complainant against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that it is a case and case in counter. He would further submit that investigation is pending. He would further submit that no one is injured in the scene of occurrence. He would further submit that co- accused in this case was granted anticipatory bail

5.Considering the facts and circumstances and considering the fact that no one is injured in the scene of occurrence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thiruvadanai, 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 respondent police daily at 10.30 p.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/-

30/04/2019

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TO

1.THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

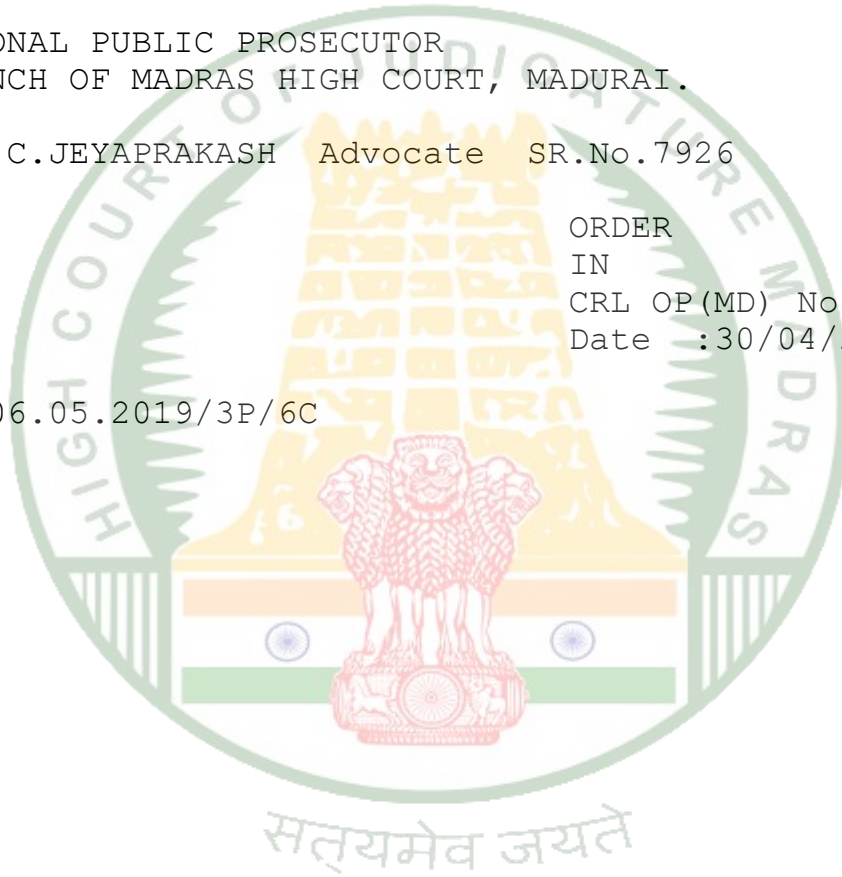
3.THE INSPECTOR OF POLICE,
THONDI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.C.JEYAPRAKASH Advocate SR.No.7926

ORDER
IN
CRL OP(MD) No.6541 of 2019
Date :30/04/2019

TK/PN/SAR-1/06.05.2019/3P/6C



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