



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6665 of 2019

P.MARICHAMY

... PETITIONERS/ACCUSED No.1

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
SHENKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT
(CR.NO.198/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.MALAIKANI, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police, in connection with Crime No.198 of 2019, for the offence punishable under Sections 447, 379, 294(b), 323, 324, 427 and 506(ii) of IPC, seeks anticipatory bail.

2.Heard Mr.S.Malaikani, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that the petitioner trespassed into the garden and picked up some mangoes and kept in the car and when the same was questioned, the petitioner threatened the defacto complainant with dire consequence.

4.The learned counsel for the petitioner submitted that except the offence punishable under Section 506(ii) IPC, all other offences are bailable in nature and according to him, the injured was treated as out patient..

5.The learned Government Advocate (Crl. Side), on instruction, from the respondent Police confirmed that the injured was treated as out patient. The learned Counsel further submitted that there is no previous case against the petitioner.



6.Considering the facts and circumstances of the case, that the incident had taken place while plucking mangoes and that the injured was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.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 on which the order copy was made ready before the learned Judicial Magistrate, Shenkottai, Tiruenveli District, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioner shall co-operate for the investigation and the trial.The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-
16/05/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
SHENKOTTAI, TIRUNELVELI DISTRICT.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3.THE INSPECTOR OF POLICE
SHENKOTTAI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.S.MALAİKANI Advocate SR.No.8646

ORDER

IN

CRL OP (MD) No.6665 of 2019

Date :16/05/2019

GNS

PK/JC/SAR-3/22.05.2019 : 3P/6C