



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen
PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6837 of 2019

A.ONDIMUTHU @ PERIATHAMBI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.207/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU 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/Accused No.2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341 & 307 of IPC in Crime No.207 of 2019, seeks anticipatory bail.

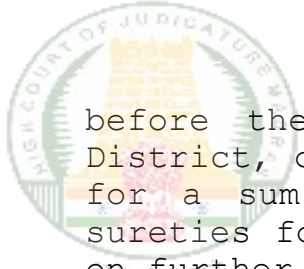
2.The case of the prosecution is that on 04.05.2019, due to previous enmity, the petitioner and the *de facto* complainant fought with each other during which the petitioner caused injury to the *de facto* complainant using weapons. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution.

4. Mr.A.Robinson, learned Government Advocate (Crl., side) appearing for the State would submit that the injured has been discharged from the hospital.

5. Taking into consideration of the fact that the injured had been discharged from the hospital and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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.II, Kulithalai, Karur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the said Magistrate, on further conditions that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[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]**.

[g] If the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/05/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-8523[I] dated 16/05/2019)

ORDER

IN

CRL OP(MD) No.6837 of 2019

Date :15/05/2019