



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.687 of 2019

LINGESHWARAN

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE
NAINAR KOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.137/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK 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 offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Cr.No.137 of 2017 seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant's daughter are husband and wife. Due to family dispute, the petitioner and his family members assaulted the defacto complainant's daughter and abused her by using filthy language.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD) No.15247 of 2018 dated 28.08.2018. since the petitioners did not execute sureties within the stipulated time, a petition has been filed for to grant further time of two weeks for executing sureties and ordered to pay a sum of Rs.1000/-to the Credit of Dr.Siddha Medical Officer, CCRI, Periyakulam.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in Crl.O.P(MD) No.15247 of 2018 dated 28.08.2018 and he has also



deposited a sum of Rs.1000/-to the Credit of Dr.Siddha Medical Officer, CCRI, Periyakulam.

5. Taking into consideration the facts of the case and the submissions by learned counsels this Court 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 their appearance, before the learned Judicial Magistrate, Paramakudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

<https://hcservices.ecourts.gov.in/hcservices/>

2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE INSPECTOR OF POLICE,
NAINAR KOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

4. THE OFFICER INCHARGE,
SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

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

+1. CC to MR.M.S.JEYAKARTHIK Advocate SR.No.1148

ORDER

IN

CRL OP(MD) No.687 of 2019

Date :22/01/2019

AE/JC/SAR2/28.01.2019/3P/7C