



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.7025 of 2019

PALAMMAL

... PETITIONER/ ACCUSED No.2

Vs

STATE REP.
INSPECTOR OF POLICE,
SINDUPATTY POLICE STATION,
MADURAI DISTRICT
(CRIME NO.44/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SATHIYA MOORTHY Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) IPC in Crime No.44 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.P.Sathiya Moorthy, 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 there was a dispute between the defacto complainant and the petitioner, due to the same, the petitioner abused the defacto complainant in filthy language and attacked him.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to this petitioner.



5. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the defacto complainant sustained only simple injury.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the defacto complainant sustained only simple injury and Section 506(i) IPC is the only non-bailable offence, this Court is inclined to grant anticipatory bail to the petitioner with 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, Thirumangalam, Madurai 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 as and when required.

[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/-
15/05/2019

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

TO

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

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.



2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.P. SATHIYA MOORTHY Advocate SR.No.8627

ORDER
IN
CRL OP (MD) No.7025 of 2019
Date :15/05/2019

ES/JC/SAR 1/20.05.2019/3P/6C