



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.7047 of 2019

ARUNACHALAM

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
KALAKAD POLICE STATION,
THRUNELVELI DISTRICT.
(CR.NO.192 OF 2019)

... RESPONDENT

For Petitioner : MR.K.SUDALAIYANDI, 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/sole accused, who apprehends arrest at the hands of the respondent Police, in connection with Crime No.192 of 2019, for the offence punishable under Sections 447,294(b), 323 and 506 (ii) IPC, seeks anticipatory bail.

2.Heard Mr.K.Sudalaiyandi, 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 due to some dispute regarding construction of cow shed, the petitioner abused the de-facto complainant, attacked him and threatened him with dire consequences. Hence, the complaint.

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 victim was also discharged from hospital.

5.The learned Government Advocate (Crl. Side), on instruction, from the respondent Police confirmed that the victim has been discharged from the hospital. The learned Counsel further submitted that there is no previous case against the petitioner.



6. Considering the facts and circumstances of the case, the only non bailable offence is punishable under Section 506(ii) IPC and considering the fact that the victim has been discharged from the hospital, 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, Nanguneri, Tirunelveli 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/-

15/05/2019

/ TRUE COPY /

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

TO

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

1. THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.K.SUDALAIYANDI Advocate SR.No.8323

ORDER

IN

CRL OP (MD) No.7047 of 2019

Date :15/05/2019

AAV

PK/JC/SAR-3/21.05.2019 : 3P/6C