



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.7051 of 2019

PUNNIYAMOORTHY

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJORE DISTRICT.
(CRIME NO.56/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MAHESWARAN 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 for the alleged offence punishable under Sections 294(b), 324, 307 of IPC in Crime No.56 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.R.Maheswaran, 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 on 20.03.2019 when the petitioner was passing the defacto complainant's house, the same was questioned by the defacto complainant. Hence the petitioner and his brother one Kamalrajan have abused the defacto complainant and his brother and attacked them with knife. Hence the complaint.

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 opposes the grant of anticipatory bail.



6. Taking into consideration the facts and circumstances of the case that according to the petitioner as well as the learned Government Advocate, the victim has been discharged from the hospital. Further, it is also a case in counter, where the petitioner has also sustained injury and he was also admitted in the hospital. Taking note of the fact that there is no bad antecedent against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions:

(i). 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 No.3, Thanjavur on condition that the petitioner shall execute a 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 on every Monday at 10.30 a.m, until further orders or 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

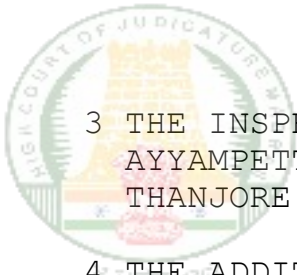
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT RUMBAKONAM.



3 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJORE DISTRICT.

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-8502[I] dated 16/05/2019)

ORDER

IN

CRL OP (MD) No.7051 of 2019

Date :15/05/2019

JM/JC/SAR 2/21.05.2019/3P/6C