



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 M.DHANDAPANI

CRL OP (MD) No.7093 of 2019

MAYAKRISHNAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
RAMANTHAPURAM BAZZAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.50 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.VEERAKUMAR, Advocate

For Respondent : Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor

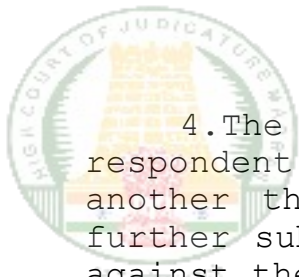
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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, 324 and 506(i) of IPC in Cr.No.50 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant, the petitioners assaulted the de-facto complainant. Hence, the de-facto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that on an earlier occasion, this Court granted anticipatory bail in Crl.O.P.(MD)No.4933 of 2019, dated 08.04.2019 to the second and third petitioner and dismissed the application with regard to the first petitioner since there are six previous cases are pending against him. However, the fact remains that out of six cases, three cases were quashed by this Court and another three cases are only demonstration and removal of shifting of the TASMAL shop and under Section 304 (ii) of IPC, which are not heinous offence. Hence, he prayed for grant of anticipatory bail to the present petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that three cases are quashed and another three cases are pending against the petitioner. He would further submit that except three cases, no previous case is pending against the petitioner.

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5. Considering the facts and circumstances of this case and considering the fact that three cases are quashed by this Court and other two cases are quashed before the respondent police, this Court is inclined to grant anticipatory bail to the petitioner. 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.I, Ramanathapuram, 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 or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/05/2019

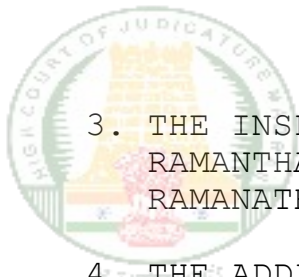
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE INSPECTOR OF POLICE
RAMANTHAPURAM BAZZAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.T.VEERAKUMAR, Advocate SR.No.8430

ORDER

IN

CRL OP (MD) No.7093 of 2019

Date :15/05/2019

MS/MMS/SAR-2/17.05.2019/3P.6C