

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7125 of 2019

GOBUKUMAR

... PETITIONER / A-1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
GANDAMANUR VILAKKU POLICE STATION,
THENI DISTRICT.
Crime No.113 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.K.MANICKAM Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 341 and 506(i) of I.P.C., in Crime No.113 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the the petitioner and the defacto complainant are husband and wife. Due to some dispute, the defacto complainant left the matrimonial home and the petitioner filed H.M.O.P.No.13 of 2019 before the Sub-Court, Theni, in which notice was ordered to the defacto complainant. On receipt of the said notice, on 22.04.2019, the defacto complainant came to the house of the petitioner and picked up quarrel with him. Hence, the petitioner is said to have slapped and kicked the defacto complainant. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

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

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to the some family dispute, the petitioner assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. Considering the nature of offences committed by the petitioner, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6. 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, Aundipatti, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) 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;

(ii) the petitioner shall appear before the respondent Police daily 10.00 a.m. for a period of three weeks.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
29/05/2019

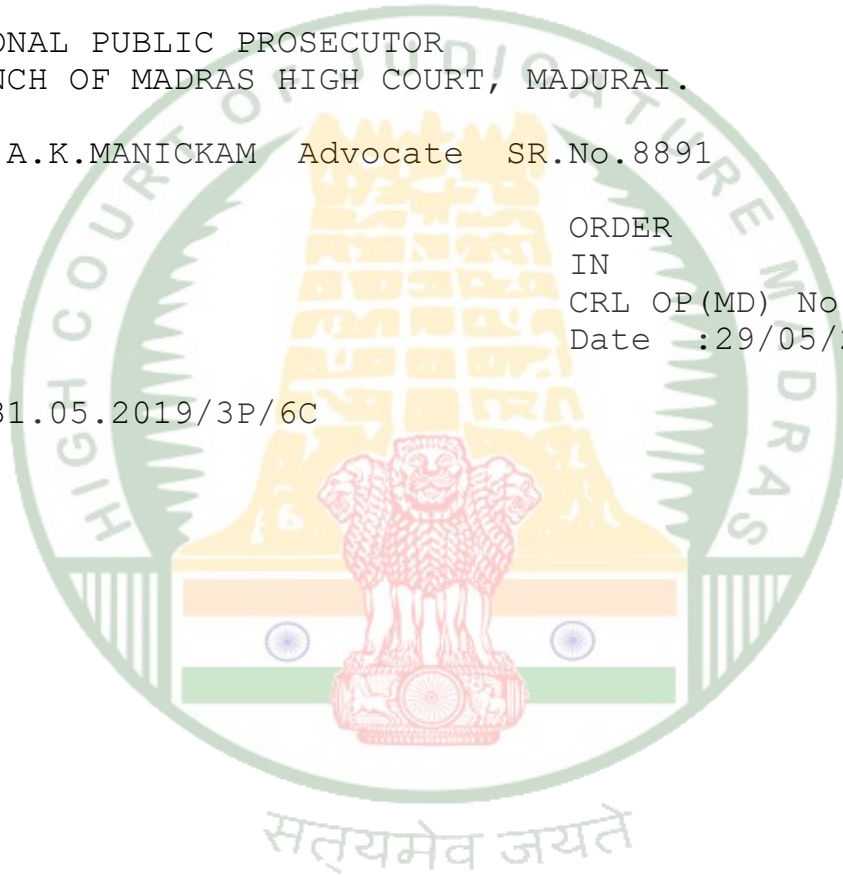
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TO

1. THE JUDICIAL MAGISTRATE,
AUNDIPATTI.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE
GANDAMANUR VILAKKU POLICE STATION,
THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.K.MANICKAM Advocate SR.No.8891

ORDER
IN
CRL OP(MD) No.7125 of 2019
Date :29/05/2019

TK/VR/SAR-1/31.05.2019/3P/6C



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