



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

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7267 of 2019

MUKILAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.137/2019.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.BALAMURUGAPANDI Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

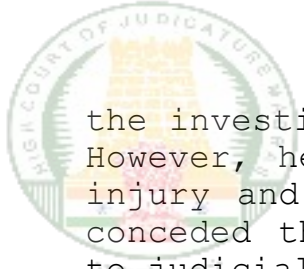
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 452, 354, 323 of IPC and Section 4 of TamilNadu Women Harassment Act in Crime No.137 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to wordy quarrel, a false case has been foisted against the petitioner herein and one more accused. He further submitted that already, the second accused was arrested and remanded to judicial custody and subsequently, he was released on bail by the Judicial Magistrate, Vedsanthur on 22.05.2019. He further submitted that the injured sustained only simple injury and he was already discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that petitioner and the defacto complainant are lovers and due to some quarrel between them, a complaint was lodged by the defacto complainant against the petitioner herein and one more accused. He further submitted that



the investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and she was already discharged from the hospital. He also conceded that the second accused was already arrested and remanded to judicial custody and subsequently, released on bail.

5. Taking into consideration the fact that the injured sustained only simple injury and she was already discharged from the hospital and also the fact that the second accused was already arrested and remanded to judicial custody and subsequently, released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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 District Munsif Cum Judicial Magistrate, Veda sandhur, Dindigul District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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]**.

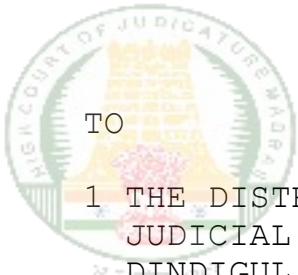
(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/06/2019

/ TRUE COPY /

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



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDASANDHUR,
DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.D.BALAMURUGA PANDI, Advocate (SR-9144[I] dated
06/06/2019)

ORDER

IN

CRL OP(MD) No.7267 of 2019

Date :04/06/2019

JM/VR/SAR 3/11.06.2019/3P/6C