



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

Date : 17/06/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.7365 of 2019**

S.John Arockiyasamy

... Petitioner/Accused No.1

Vs

State rep.by,  
The Inspector of Police,  
Dindigul Town North Police Station,  
Dindigul District,  
In Crime No.280 of 2019..

... Respondent/Complainant

For Petitioner : M/s.A.John Vincent,  
Advocate.

For Respondent : Mrs.M.Anantha Devi,  
Govt.Advocate (Crl.Side).

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

PRAYER :-

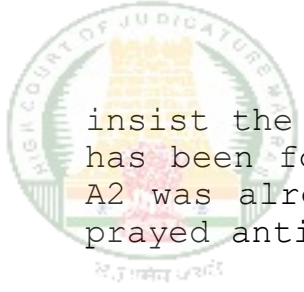
For Anticipatory Bail in Crime No.280 of 2019 on the file of the respondent police.

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 294 (b), 323 and 506 (i) IPC, in Crime No.280 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a practising advocate. When the defacto complainant, his junior and the barbar shop owner were standing in front of shop, the petitioner and his brother went to the shop and used filthy language against the advocate and also pushed the defacto complainant down. Duo to such attack, the defacto complainant's shoulder and head were injured and he was admitted as an inpatient at Government Hospital on 12.05.2019.

3.The learned counsel appearing for the petitioner has submitted that since the defacto complainant is a practising Advocate, he got himself admitted in the Government Hospital and



insist the police to register the complaint. Therefore, a false case has been foisted against the petitioner. He further submitted that A2 was already released on bail by the trial Court, and hence, he prayed anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant is an advocate and the medical letter, sent by the Government hospital, Dindigul revealed that the surgery was only taken for the defacto complainant's chest infection. He further submitted that A2 was already granted regular bail by the trial Court.

5. As per the prosecution case, the defacto complainant was pushed down from the barber shop and he sustained fracture in his right ulna. The injured was admitted in the hospital on 12.05.2019. It is seen from the medical letter, sent by the Government hospital dated 11.06.2019, the injured planned for surgery for the above fracture. So far, it appears, no surgery was done for the said fracture. On the other hand, he was taken for a surgery on 08.06.2019 for chest infection. Further it is stated that he was a chronic smoker. Further, already A2 was granted regular bail by the trial Court. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with 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 Judicial Magistrate, No.II, Dindigul, 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 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 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].

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

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sd/-  
17/06/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,  
DINDIGUL
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL
- 3.THE INSPECTOR OF POLICE  
DINDIGUL TOWN NORTH POLICE STATION,  
DINDIGUL DISTRICT,
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.A.JOHN VINCENT Advocate SR.No.9796

ORDER  
IN  
CRL OP(MD) No.7365 of 2019  
Date :17/06/2019

dss  
PK/PN/SAR-2/25.06.2019 : 3P/6C