

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.7445 of 2019

MAHALAKSHMI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANAJVUR DISTRICT.
CRIME NO.105 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 341 and 506(ii) IPC, in Crime No.105 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused attacked the *defacto* complainant with hand and abused him by using the filthy language. Thus, on complaint, a case has been registered against the petitioner and others.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital on 17.05.2019 and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that at the time of occurrence, the petitioner and other accused attacked the *defacto* complainant with hand and abused him by using the filthy language, resultantly, the *defacto* complainant has sustained injury. In a

case registered against the petitioner, except the offence under Section 506 (ii) IPC, all other offences are bailable in nature. As of now, the person who sustained injury in the alleged occurrence has also been discharged from the hospital after taking treatment. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. So, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some 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, Papanasam, Thanjavur District, 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 conditions that:

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 and thereafter as and when required for interrogation;

(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 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 petitioner shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
PAPANASAM, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.

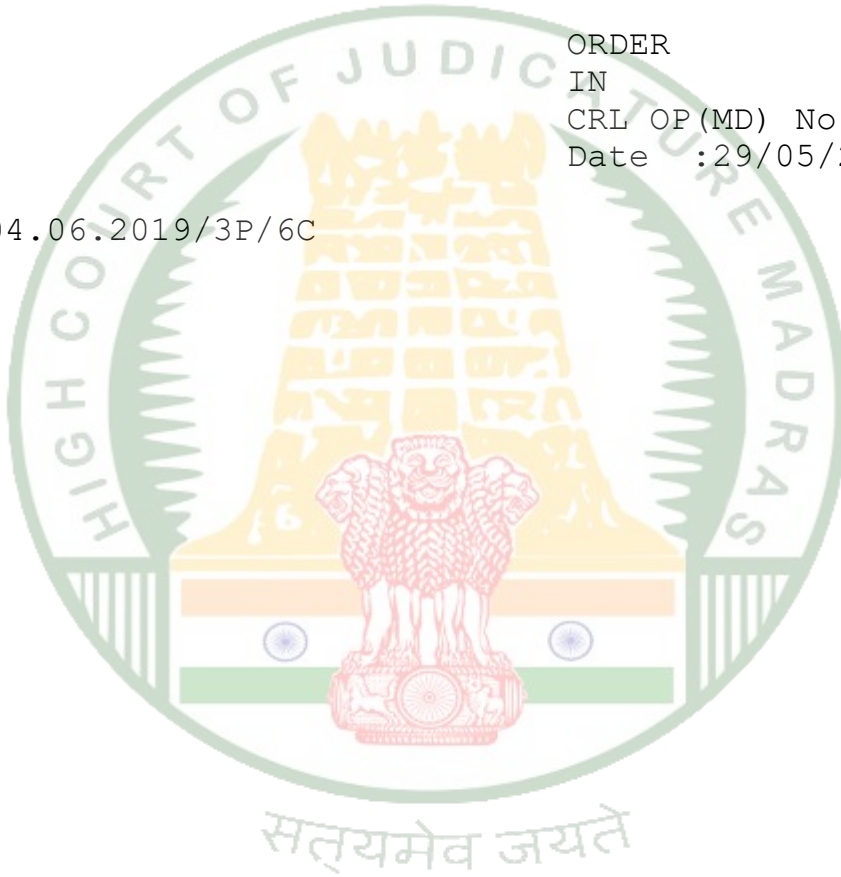
3 THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANAJVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-8875[I] dated
30/05/2019)

ORDER
IN
CRL OP (MD) No.7445 of 2019
Date :29/05/2019

JM/PN/SAR 2/04.06.2019/3P/6C



WEB COPY