



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7499 of 2019

A. Venkadesh

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by

The Inspector of Police,
Chokkampatti Police Station,
Tirunelveli District.

Crime No. 130 of 2019.

... Respondent/Complainant

(Crime No.130 of 2019 amended as per
the order of this Court in Crl.M.P.(MD)
No.4841 of 2019, dated 07.06.2019)

For Petitioner : Mr.S.Selvakumar, Advocate

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

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

PRAYER :-

For anticipatory bail in Crime No.130 of 2019 on the file of the respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506 (ii) of IPC in Crime No.130 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to previous enmity between the petitioner and the defacto complainant with regard to family dispute, the defacto complainant assaulted the petitioner and his family members and a case was registered in Cr.No.129 of 2019, against the defacto complainant. Thereafter, the defacto complainant made a false complaint before the respondent police and hence the present case



has been registered against the petitioner. He further submitted that the petitioner is an innocent and he has not committed any offence and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) appearing for the respondent has submitted that based on the complaint given by the petitioner herein, a case was registered against the defacto complainant in Crime No.129 of 2019 under Sections 294(b), 323 and 506(ii) of IPC. She further submitted that both the cases are case in counter relating to family dispute. She further submitted that the defacto complainant has sustained simple injuries and he was already discharged from the hospital. However, she opposed this petition as investigation is pending.

5. Taking into consideration of the fact that the injured person sustained only simple injuries and he was discharged from the hospital and also the fact that the counter complaint has also been registered, 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, Tenkasi, 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 fails 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.

sd/-

07/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.9267

ORDER

IN

CRL OP (MD) No.7499 of 2019

Date : 07/06/2019

MS/PN/SAR-3/14.06.2019/3P.6C