

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.7515 of 2019

BALAMURUGAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.79 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.THALAIMUTHARASU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. 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, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 355 and 506(i) of IPC in Crime No.79 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 18.05.2019, the petitioner involved in a wordy quarrel with the defacto complainant by using filthy language, attacked her and caused simple injuries.

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 and his name has been falsely implicated in this case.

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

5.The submissions made by the learned counsel appearing on either side are considered.

6.It is alleged that during the time of occurrence, due to family dispute, the petitioner attacked the defacto complainant, in

which, she sustained simple injuries. Except 506(i) I.P.C, all other offences registered against the petitioner are bailable in nature. As of now, the person who sustained injury in the alleged occurrence was discharged from the hospital after taking treatment. Hence, 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.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, 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 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 the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A I.P.C.

(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

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TO

1.THE JUDICIAL MAGISTRATE NO I,
KOVILPATTI.

2.THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

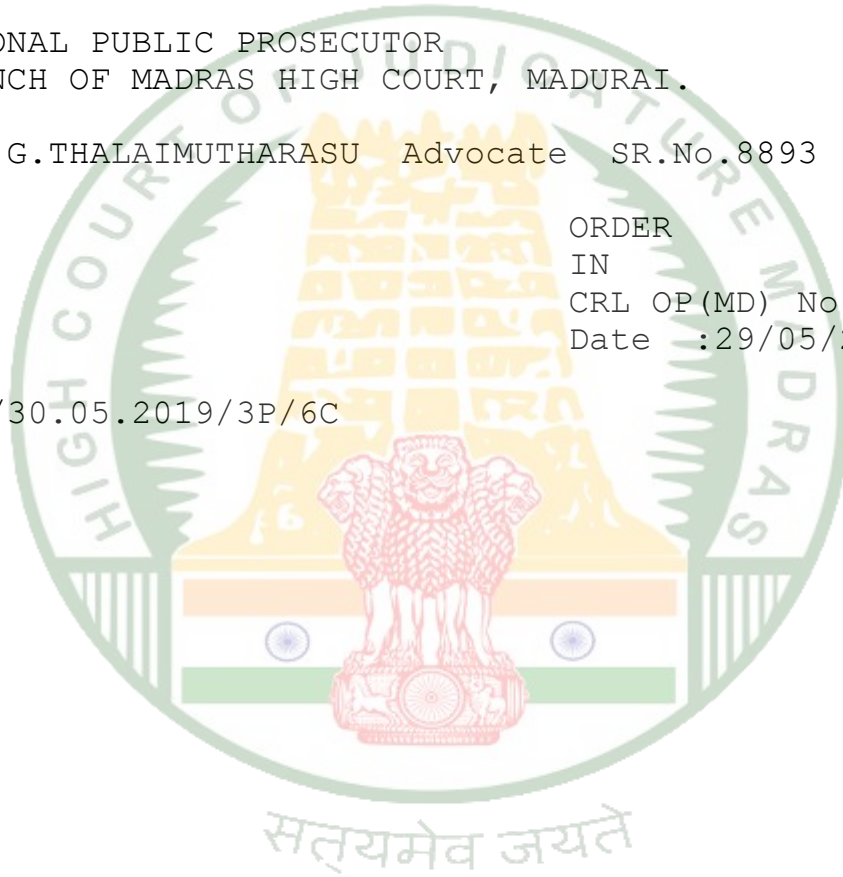
3.THE INSPECTOR OF POLICE
NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.G.THALAIMUTHARASU Advocate SR.No.8893

ORDER
IN
CRL OP(MD) No.7515 of 2019
Date :29/05/2019

TK/MMS/SAR-3/30.05.2019/3P/6C



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