

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Criminal Jurisdiction)
Date : 13/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7670 of 2019

V. Ganesan

... Petitioner/Accused
Rank not Known

Vs

The State Rep.by
The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
Crime No.386 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.S.Duraipandian,
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.386 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 offence punishable under Sections 294(b)
and 392 r/w 397 and 506(ii) IPC @ 294(b), 323 and 506(i) of IPC,
seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that originally the case was registered under Sections 294
(b) and 392 r/w 397 and 506(ii) IPC and subsequently it was altered
into under Sections 294(b), 323 and 506(i) of IPC. He further
submitted that due to wordy quarrel, a false case has been foisted
against the petitioner and the injured person sustained only simple
injury and he was already discharged from the hospital. Hence, he
prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) has submitted
<https://hcservices.ecourts.gov.in/hcservices/>
that originally the case was registered under Sections 294(b) and
392 r/w 397 and 506(ii) IPC and subsequently it was altered into

under Sections 294(b), 323 and 506(i) of IPC. She further submitted that the injured person sustained only simple injury and he was already discharged from the hospital and the investigation is still pending. Hence, she strongly opposed this petition.

5. Taking into consideration of the fact that the injured person sustained only simple injury and he was already discharged from the hospital, 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, Madurai and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/06/2019

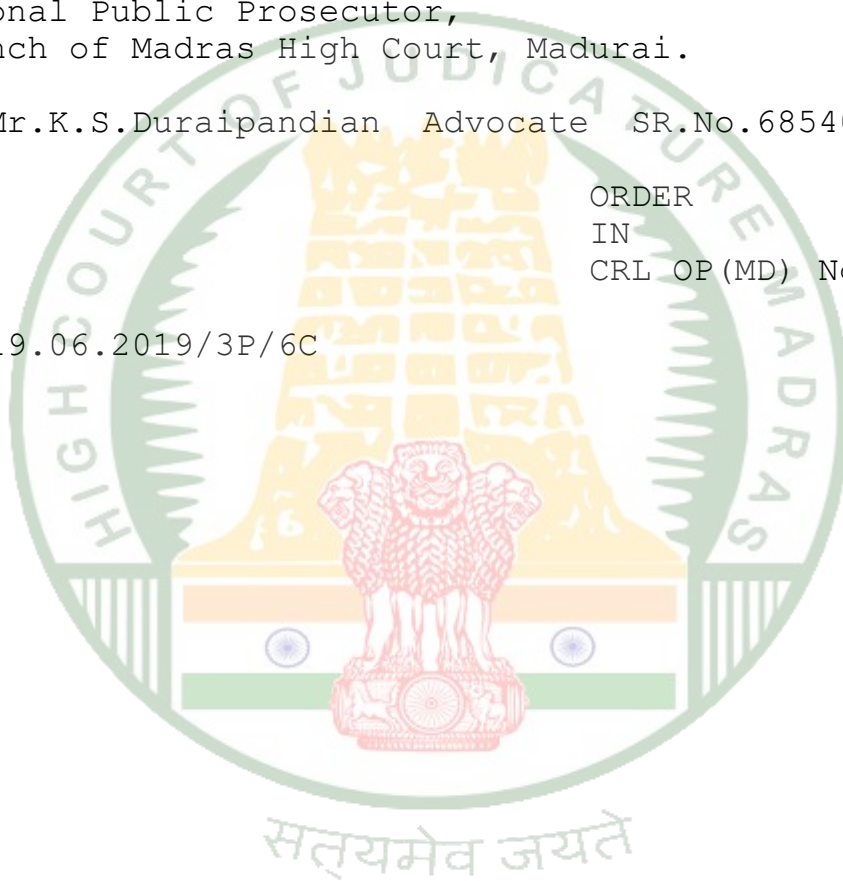
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TO

- 1.The Judicial Magistrate, Madurai.
 - 2.Do-Through The Chief Judicial Magistrate,
Madurai District.
 - 3.The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. C.C. to Mr.K.S.Duraipandian Advocate SR.No.68540

ORDER
IN
CRL OP (MD) No.7670 of 2019

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