



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7693 of 2019

Pasam

... Petitioner/Accused No.3

Vs

State Rep.by,
The Inspector of Police,
Thottiyam Police Station, Thottiyam,
Trichy District
(Cr.No.125/2019).

... Respondent/Complainant

For Petitioner : M/s.K.Arun Raj,
Advocate.

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

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

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 341, 294 (b), 323 and 506 (i) of IPC in Crime No.125 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that it is a case and case in counter. Due to previous enmity between the petitioner and the defacto complainant with regard to hit the petitioner's son with two wheeler, a case was registered in Cr.No.124 of 2019, against the defacto complaint. Thereafter, the defacto complainant made a false complaint before the respondent police and the present case was registered against the petitioner and two others. He further submitted that A1 & A2 were already released on bail by the learned Judicial Magistrate, Musiri. He further submitted that the injured sustained only simple injury and he was already discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the co-accused were already released on bail. She also conceded that the injured sustained only simple injury and he was already discharged from the hospital. However, she opposed this petition as investigation is still pending.

5.Taking into consideration the co-accused were already released on bail and the injured 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, Musiri 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.

sd/-

06/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT.

2. TDO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, THOTTIYAM,
TRICHY DISTRICT

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

+1. CC to M/S.K.ARUN RAJ Advocate SR.No.9202

ORDER

IN

CRL OP(MD) No.7693 of 2019

Date : 06/06/2019

DSS

PK/JC/SAR-2/11.06.2019 : 3P/6C