



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7747 of 2019

Selvakumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Crime No.106 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan,
Advocate.

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

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

PRAYER :-

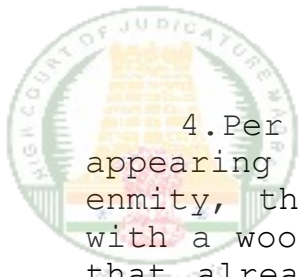
For anticipatory bail in cr.no.106 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 448 and 326 of IPC., in Crime No. 106 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner and the defacto complainant are working in the same field and all are doing wood cutting work and due to wordy quarrel, the defacto complainant gave a false complaint against the petitioner herein and one more accused. He further submitted that the injured already discharged from the hospital. He further submitted that already A2 was arrested and he is in custody and hence he prayed for grant of anticipatory bail to the petitioner.



4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that due to previous enmity, the petitioner herein has attacked the defacto complainant with a wooden log and one tooth fallen down. She further submitted that already A2 was arrested and remanded to the judicial custody and investigation is still pending and hence, she opposed this petition. However, she fairly conceded that already injured was discharged from the hospital.

5. Taking into consideration of the aforesaid fact and also the fact that the injured was already discharged from the hospital and already A2 was arrested and remanded to the judicial custody, 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, Aranthangi, Pudukkottai District 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].

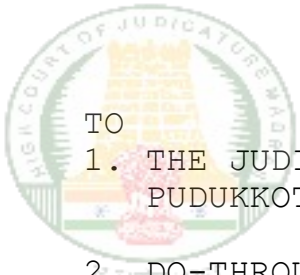
(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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, ARANTHANGI,
PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAGUDI POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.9317

ORDER

IN

CRL OP(MD) No.7747 of 2019

Date :07/06/2019

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