



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.7757 of 2019

M.Raja

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
Cr.No.77 of 2019.

... Respondent/Complainant

For Petitioner : M/s.T.Veerakumar, Advocate

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

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 307 and 379 of IPC, in Crime No.77 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the defacto complainant purchased a Xylo car from the petitioner, but, he did not pay the amount and when the petitioner demanded to pay the purchase money, the defacto complainant gave a false complaint. He further submitted that already injured was discharged from the hospital. He further submitted that already A2 was arrested and remanded to judicial custody and therefore, he prayed for granting anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that after selling the car to the defacto complainant, the petitioner along with accused



No.2 have taken away the said car and at that time they also assaulted the defacto complainant and caused injuries and hence, she opposed this petition. However, she fairly conceded that the injured was already discharged from the hospital.

5. Taking into consideration of the submission made by the learned counsel for the petitioner that the defacto complainant has to pay the amount to the petitioner for purchasing his car and also the fact that already A2 was arrested and remanded to judicial custody and also the fact the injured 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, Thirupathur, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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].

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

sd/-
07/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
3. THE INSPECTOR OF POLICE
NACHIYAPURAM POLICE STATION, SIVAGANGAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.VEERAKUMAR Advocate SR.No.9233

ORDER
IN
CRL OP(MD) No.7757 of 2019
Date :07/06/2019

PK/VR/SAR-2/12.06.2019 : 3P/6C