



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7824 of 2019

V.Baskar

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub Inspector of Police,
Devakottai Police Station,
Sivagangai District.
In Crime No.107/2019.

... Respondent/Complainant

For Petitioner : M/s.D.Anbarasu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Govt.Advocate (Crl.Side).

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

PRAYER :-

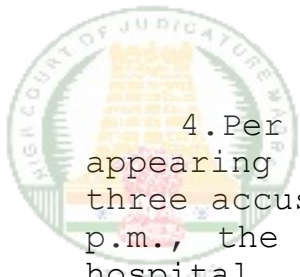
For Anticipatory Bail in Crime No.107/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506 (ii) of IPC r/w Section 3 of TNMSPDL Act, 2008, in Crime No.107 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that due to wordy quarrel, a false case has been foisted against the petitioner and two others. Further he submitted that A1 was arrested and remanded to judicial custody and therefore he prayed to grant anticipatory bail to the petitioner.



4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally there are three accused involved in this case and on 31.05.2019 at about 09.20 p.m., the petitioner herein and two others went to the government hospital, Devakottai, with drunken mood and criminally intimidated the nurse by using obscene words and investigation is still pending and hence she opposed this petition. However, she fairly conceded that A1 was arrested and remanded to judicial custody. He is still in custody.

5. Taking into consideration of the aforesaid fact and also the fact that no one sustained injury and also the fact that A1 was arrested and remanded to judicial custody, this Court is not inclined to grant anticipatory bail to the petitioner.

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 Court, Devakottai, Sivagangai 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].

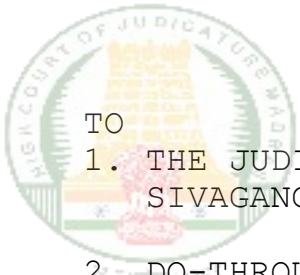
(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/06/2019

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



TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.D.ANBARASU Advocate SR.No.9323

ORDER

IN

CRL OP(MD) No.7824 of 2019

Date :10/06/2019

MS/PN/SAR-4/17.06.2019/3P.6C