



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7995 of 2019

Muniyammal

... Petitioner/Accused. 7

Vs

State rep.by,
The Inspector of Police,,
Balamedu Police Station, Balamedu,
Vadipatti Taluk,
Madurai District.
Crime No.65 of 2019.

... Respondent/Complainant

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

For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

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

PRAYER :-

For anticipatory bail in cr.no.65 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 Sections 147,148,294(b), 341,342,324,336,506(ii),323,307 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to wordy quarrel a false case has been registered against the petitioner herein. He would also submit that A1 to A5 were granted anticipatory bail by this Court in CrI.O.P(MD) No.7065 of 2019 on 15.05.2019 and A6 was arrested and subsequently released on bail. He further submitted that the injured person has sustained only simple injuries and he was already discharged from the



hospital. He further submitted that earlier anticipatory bail application which was filed by the petitioner in CrI.O.P(MD) No.7289 of 2019 was dismissed by this Court on 22.05.2019 on the ground that injured was undergoing treatment, but subsequently the injured was discharged from the hospital. Hence, he prayed to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(CrI.Side) appearing for the respondent fairly concede the fact that A1 to A5 were granted anticipatory bail by this Court in CrI.O.P(MD) No.7065 of 2019 on 15.05.2019 and A6 was arrested and subsequently released on bail. She further submitted that the injured person has sustained simple injuries and he was already discharged from the hospital. However she opposed for granting anticipatory to the petitioner on the ground that investigation is still pending.

5.Taking into consideration the fact that the injured person sustained only simple injuries and also been discharged from the hospital and also considering the fact that co- accused in this case was granted anticipatory bail, 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, Vadipatti, Madurai 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 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.

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

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI,
MADURAI DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE,
BALAMEDU POLICE STATION, BALAMEDU,
VADIPATTI TALUK, MADURAI DISTRICT.

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

+1. CC to M/S.S.LOGANATHAN Advocate SR.No.9496

ORDER
IN
CRL OP(MD) No.7995 of 2019
Date :12/06/2019

AAV

PK/JC/SAR-2/19.06.2019 : 3P/6C