



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.81 of 2019

KASINATHAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO.311/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.VISHNU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 506(ii) I.P.C in Crime No.311 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 25.12.2018, the petitioner abused the defacto complainant by using filthy language, attacked him by a sickle and caused him injury and also threatened him.

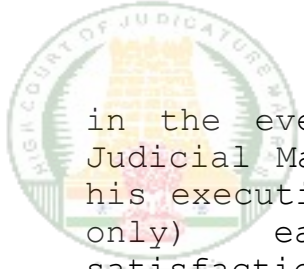
3. The contention of the petitioner is that no such incident had taken place and the petitioner had nothing to do with the alleged crime and hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the injured has been discharged from the hospital.

5.Considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

<https://hcservices.ecourts.gov.in/hcservices/>

6.Accordingly, the petitioner is ordered to be released on bail



in the event of arrest or on his appearance before the learned Judicial Magistrate, No.II, Manamadurai, Sivagangai District and on his executing 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 learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II
MANAMADURAI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.J.VISHNU Advocate SR.No.184

ORDER

IN

CRL OP(MD) No.81 of 2019

Date :04/01/2019