



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

Date : 17/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8333 of 2019

Kannan

... Petitioner/Accused No.2

Vs

The Sub Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District
Cr.No.34/2019

... Respondent/Complainant

For Petitioner : M/s.J.David Ganesan, Advocate.
For Respondent : Mrs.M.Anandha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory bail in Cr.No.34 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 294 (b), 323 and 506 (2) IPC, in Crime No.34 of 2019, seeks 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 between the petitioner and the defacto complainant, the petitioner assaulted the defacto complainant. The defacto complainant sustained only simple injuries and he was already discharged from the hospital. He further submitted that A1 was already released on bail, and hence, he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner was assaulted the defacto complainant. Hence, he opposed this petition. A1 was already



released on bail. However, he fairly conceded that no previous case is pending against the petitioner and the defacto complainant sustained only simple injuries and he was also discharged from the hospital.

5. Taking into consideration of the fact that the defacto complainant sustained only simple injuries and he was also discharged from the hospital and also the fact that no previous case is pending against the petitioner and A1 was already released on 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, No.II, Thoothukudi 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/-
17/06/2019

/ TRUE COPY /



TO

1.The Judicial Magistrate, No.II,
Thoothukudi District.

2.The Chief Judicial Magistrate,
Thoothukudi District.

3.The Sub Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-9845[I] dated 17/06/2019
)

ORDER

IN

CRL OP(MD) No.8333 of 2019

dss

TK/JC/SAR.1/21.06.2019/3P/6C