



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8346 of 2019

Kamaraj

... Petitioner/Accused No.2

Vs

State Rep.by its
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Cr.No.133/2019

... Respondent/Complainant

For Petitioner : M/s.A.Thiruvadi Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.133 of 2019 on the file of the respondent police.

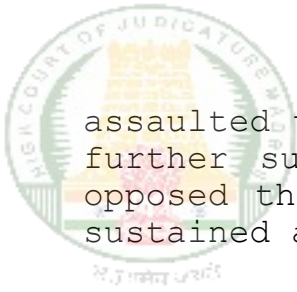
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506 (ii) of IPC, in Crime No.133 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, due to wordy quarrel, the petitioner assaulted the defacto complainant and criminally intimidated him. He further submitted that no one sustained injury, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner



assaulted the defacto complainant and criminally intimidated him. He further submitted that the investigation is still pending and he opposed this petition. However, he fairly conceded that no one sustained any injury.

5. Taking into consideration of the fact that no one sustained any injury, 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, No.II, Knmbakonam, 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/-
21/06/2019

/ TRUE COPY /

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



TO

1.The Judicial Magistrate No.II,
Kumbakonam.

2.The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

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

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-10272[I] dated
24/06/2019)

ORDER

IN

CRL OP(MD) No.8346 of 2019

dss

TK/PN/SAR.2/25.06.2019/3P/6C