



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.839 of 2019

VELLAISAMY

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT.
CRIME NO.09/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.SANTHANAM RAJESHKUMAR, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

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 354 I.P.C, in Crime No.9 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant with regard to the boundary stick in the petitioner's agricultural land. Due to which, the petitioner assaulted the defacto complainant and abused her with filthy language and also attacked her with hands. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are relatives and also neighbours. Due to civil dispute between them, the defacto complainant and her husband attacked the petitioner with deadly weapons. Thereafter, the petitioner gave a complaint against the defacto complainant and her husband. Hence, a case has been registered in Crime No.10 of 2019 for the offences punishable under Sections 147, 294(b), 323 I.P.C.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.



5. Considering the facts and circumstances of the case and also case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.I, Kulithalai, Karur 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

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

[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/-

22/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHALAI,
KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE
PALAVIDUTHI POLICE STATION, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.B.SANTHANAM RAJESHKUMAR Advocate SR.No.1283

ORDER IN

CRL OP(MD) No.839 of 2019

Date :22/01/2019