



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.840 of 2019

P.GANESAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VADAKADU POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME.No. (*)16 of 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.BAALASUNDHARAM Advocate

For Respondent : Mr.S.CHANDRA SEKAR, Additional Public Prosecutor

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 alleged offences punishable under Sections **(*)294(b), 323 & 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act** in Crime.No.16 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant and the petitioner are adjacent residents. On 12.01.2019 at about 11:00 a.m. The *de facto* complainant questioned about the tree which is situated in between the two houses and that ended up in wordy quarrel. Therefore, the *de facto* complainant preferred a complaint against the petitioner and his wife, stating that the petitioner attacked him with hands and abused using filthy language.

3. The learned counsel for the petitioner would submit that the petitioner is ready to produce substantial sureties for their due release and also would abide by the conditions imposed by this Court. He would further submit that the injured has also been discharged from the hospital.

4. The learned Government Advocate (Crl.Side) would submit that the injured had been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, this Court is 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, before the learned Judicial Magistrate, Alangudi, Pudukottai 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] if the petitioner fails 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 for interrogation

[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.

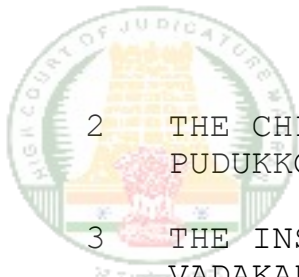
sd/-
24/01/2019

**(*)Amended as per the order of Hon'ble
court made in Crl MP(MD)497/2019 in
CRL OP(MD)840/2019 vide order dated
24.01.2019 by MNKJ**

/ TRUE COPY /

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

TO



2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
VADAKADU POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr.K.BAALASUNDHARAM Advocate SR.No.1339

PS/PN/SAR-2/31.01.2019/3P/6C

ORDER

IN

CRL OP (MD) No.840 of 2019

Date :24/01/2019