



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8433 of 2019

Madu Murugan @ Murugan

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No. 125 /2019.

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

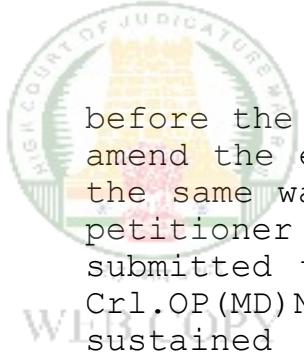
For Anticipatory Bail in Crime no. 125/2019 on the file of the respondent police.

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), 341, 323, 324, 506 (ii) of IPC @ 294 (b), 341, 323, 506 (ii) & 307 of IPC, in Crime No.125 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that originally, the case was registered under Section 294 (b), 341, 323, 324, 506 (ii) of IPC and hence, the petitioner has moved the learned Principal Sessions Judge, Thanjavur, in Cr.M.P.No.1734 of 2019. He further submitted that the learned Principal Sessions Judge, Thanjavur, also granted anticipatory bail to the petitioner by an order dated 30.04.2019. He further submitted that subsequently, the Sections have been altered into Section 307 IPC and hence, the petitioner has filed Crl.M.P.No.1925 of 2019



before the Vacation Sessions Judge, Thanjavur, seeking permission to amend the earlier petition for incorporating Section 307 of IPC and the same was dismissed by an order dated 15.05.2019, and hence, the petitioner has come forward with the present petition. He further submitted that already, this Court has granted bail to A2 & A3 in CrI.OP(MD)No.7881 of 2019. He further submitted that the injured sustained only simple injury, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally three accused are involved in this case. All of them have attacked the victim and caused simple injury. He further submitted that the investigation is still pending and he opposed this petition. However, he fairly conceded that the injured sustained only simple injury, and hence, he was already discharged from the hospital.

5.Taking into consideration of the fact that the injured sustained only simple injury and also the fact that he was already 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Kumbakonam, Thanjavur 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/-
20/06/2019

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

TO

1.The Judicial Magistrate, No.II,
Kumbakonam, Thanjavur District.

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

3.The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10087[I] dated
20/06/2019)

ORDER
IN
CRL OP(MD) No.8433 of 2019
Date : 20/06/2019

TK/JC/SAR.4/28.06.2019/3P/6C