



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.8702 of 2019

T.Jegan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.9/2019)

... Respondent/Complainant

For Petitioner : M/s.R.Ponkarthikeyan,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

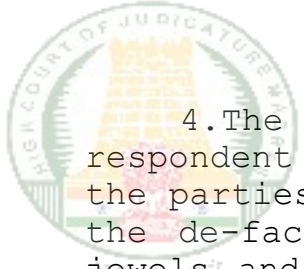
For Anticipatory bail in Cr.No.9 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 294 (b), 323, 379 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to property dispute between the parties, a false case has been foisted against the petitioner. He further submitted that the injured was already discharged from the hospital. He further submitted that already Principal Sessions Judge, Thoothukudi in Cr.M.P.No.663 of 2019 has granted anticipatory bail, but due to some personal inconvenience, the petitioner could not surrender before the concerned Magistrate within the stipulated time and hence the said has become infructuous. Hence, he prayed for granting anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that due to property dispute between the parties, the petitioner along with other accused person attacked the de-facto complainant and caused simple injury and stolen the jewels and sale deeds. Hence, he strongly opposed this petition. However, he fairly conceded that the anticipatory bail was already granted by the learned Principal Sessions Judge, Thoothukudi in Crl.M.P.No.663 of 2019 to the petitioner, but the petitioner did not surrender before the concerned Magistrate within the time fixed by the Court.

5.Taking into consideration of the fact that the the anticipatory bail was already granted by the learned Principal Sessions Judge, Thoothukudi in Crl.M.P.No.663 of 2019 and the petitioner has not surrendered before the concerned Magistrate within the time stipulated in the said order and also the fact that the complaint was lodged only on 23.01.2019 for the offence said to have occurred on 20.01.2019 and also considering the relationship between the parties and also the fact that inspite of the directions issued by the learned Sessions Judge, the de-facto complainant did not appear before mediation centre, this Court is inclined to grant anticipatory bail to the petitioner with the certain conditions that,

[a]Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his surrender, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I at Thoothukudi and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum to the satisfaction of the respondent or to the satisfaction of the learned Magistrate concerned.

[b]If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c]the petitioner/accused should appear before the respondent daily at 10.30 a.m., until further orders and thereafter as and when required before the respondent police for interrogation.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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].



[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.PONKARTHIKEYAN Advocate SR.No.10239

ORDER

IN

CRL OP(MD) No.8702 of 2019

Date :21/06/2019

MS/PN/SAR-2/02.07.2019/3P.6C