



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

Date : 27/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.8725 of 2019

Pandiyarajan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,,
Nainarkovil Police Station,
Ramanathapuram District.
(In Crime No.66 of 2019).

... Respondent/Complainant

For Petitioner : M/s.D.Senthil,
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.66 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),
323 and 427 of IPC and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, 2002 in Crime No.66 of 2019, seeks
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that already the defacto complainant's husband had
received a sum of Rs.2,50,000/- for arranging a job to the
petitioner herein and thereafter he did not make neither secured job
and nor repaid the amount. He further submitted that the petitioner
is an innocent person and he has been falsely implicated in this
case. He further submitted that the injured sustained only simple
injury and he has already been discharged from the hospital. Hence,
he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the
State has submitted that by demanding repayment of the amount the



petitioner herein and A1 had damaged the tiles of the defacto complainant's house and also assaulted the defacto complainant's husband. However, he fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

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5. Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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, Paramakudi, 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 fails 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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3. THE INSPECTOR OF POLICE,
NAINARKOVIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.D.SENTHIL Advocate SR.No.10605

ORDER

IN

CRL OP(MD) No.8725 of 2019

Date :27/06/2019

VSG

PK/PN/SAR-4/02.07.2019 : 3P/6C