



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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8785 of 2019

KRISHNAMOORTHY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.208 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.MAYILVAHANA RAJENDRAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

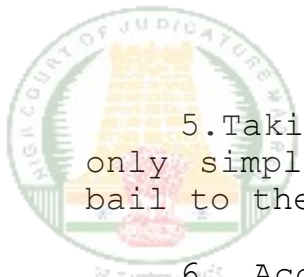
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(ii) of IPC, in Crime No.208 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that the injured sustained only simple injury. However, on instruction he further submitted that the petitioner is ready to deposit Rs.4,000/- (Rupees Four Thousand Only) and the said amount may disburse to the defacto-complainant without prejudice to his rights. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police has submitted that the petitioner and other accused persons damaged the property of the defacto complainant worth about Rs.4,000/- and also attacked the defacto complainant. She further submitted that since the petitioner himself has come forward to pay Rs.4,000/- to the defacto complainant. She has further submitted that the injured sustained only simple injury and hence, she has no serious objection for grant of anticipatory bail.



5. Taking into consideration the fact that the injured sustained only simple injury, 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, Sivagiri, 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 pay a sum of Rs.4,000/- (Rupees Four Thousand only) to the credit of Crime No.208 of 2019 within a period of two weeks from the date of receipt of a copy of this order before the learned Judicial Magistrate, Sivagiri, without prejudice his rights and the Concerned Magistrate shall disburse the amount in favour of the defacto complainant after verification of his identity;

(iii) 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.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].

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

sd/-

05/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-11248[I] dated
08/07/2019)

ORDER

IN

CRL OP(MD) No.8785 of 2019

Date :05/07/2019

JM/JC/SAR 1/11.07.2019/3P/6C