

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

Date : 24/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8813 of 2019

Balamurugan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,,
Kovilangulam Police Station,
Ramanathapuram.
(Crime No.35 of 2019).

... Respondent/Complainant

For Petitioner : M/s.A.Uthayakumar,
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.35 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 341,
294(b), 323 of IPC and Section 4 of the Tamil Nadu Prohibition of
Harassment of Woman Act, 2002, in Crime No.35 of 2019, seeks
anticipatory bail.

2.The learned counsel appearing for the petitioner has
submitted that the petitioner and defacto complainant are husband
and wife and due to family dispute, he has been falsely implicated
in this case. He further submitted that the injured person sustained
only simple injury and she has already been discharged from the
hospital on 20.06.2019 and hence, he prayed for grant of
anticipatory bail to the petitioners.

3.Per contra, the learned Additional Public Prosecutor
appearing for the respondent has submitted that due to family
dispute, the petitioner attacked the defacto complainant and caused
simple injuries. Hence, he opposed this petition, as investigation

is pending. However, he fairly conceded that the injured person has already been discharged from the hospital and that the petitioner has no previous case.

4. Taking into consideration of the aforesaid facts, also the fact that the injured person sustained only simple injury and she has already been discharged from the hospital and also the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram 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:

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

[b] 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 for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/06/2019

/ TRUE COPY /

TO

1. JUDICIAL MAGISTRATE, KAMUTHI,
RAMANATHAPURAM DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
KOVILANGULAM POLICE STATION,
RAMANATHAPURAM.

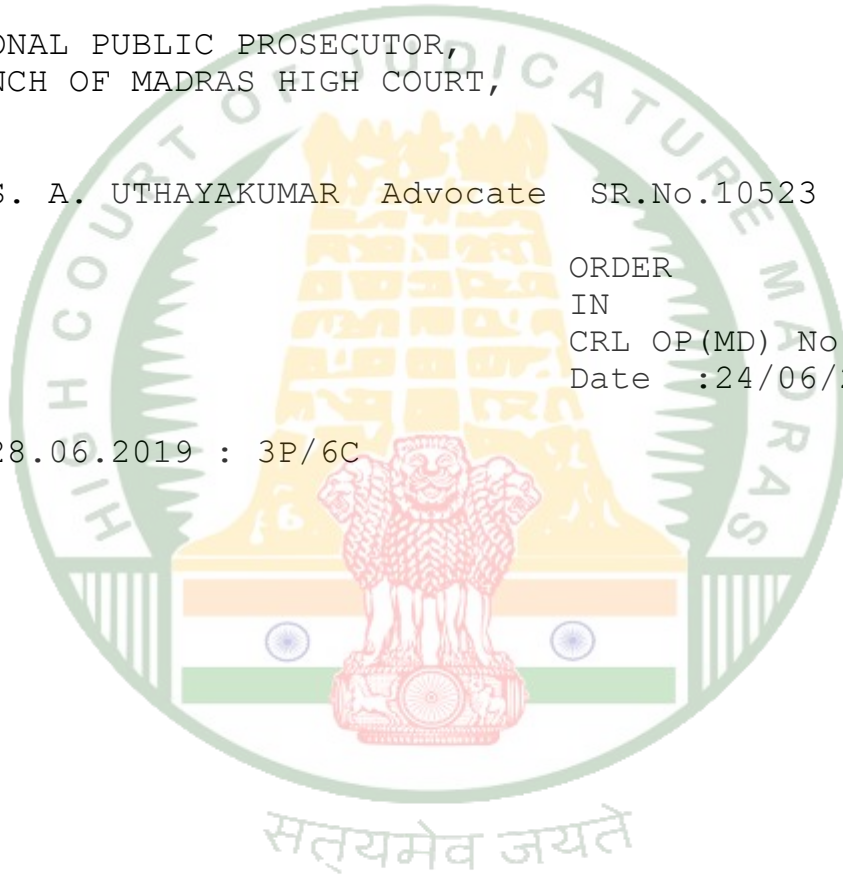
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. A. UTHAYAKUMAR Advocate SR.No.10523

ORDER
IN
CRL OP(MD) No.8813 of 2019
Date : 24/06/2019

vs

PK/PN/SAR-4/28.06.2019 : 3P/6C



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