



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

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8888 of 2019

S.SIKKANDAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.88 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.RAMANATHAN 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 offence punishable under Sections 294(b), 323, 324 and 506(2) of IPC, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to property dispute, a false case has been foisted against the petitioner. He further submitted that totally there are three accused persons involved in this case, the petitioner herein is A-1. He further submitted that A-2 was already arrested and remanded to judicial custody and the injured person sustained only simple injury and he was already discharged from the hospital. Hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) has submitted that totally there are three accused persons involved in this case. She further submitted that the de-facto complainant is the father of A-2 and A-1 is the friend of A-2. She further submitted that due to property dispute, the petitioner along with other accused persons attacked the de-facto complainant with wooden stick and abused him with filthy language and caused injury. She further submitted that A-2 was already arrested and remanded to judicial custody and A-3 was absconding and hence, she strongly opposed this petition.



However, she fairly conceded that the injured person was already discharged from the hospital and no previous case is pending against the petitioner.

5. Taking into consideration of the fact that the dispute is between A-2 and his father (de-facto complainant) and A-2 was already arrested and remanded to judicial custody and also the fact that the injured person was already discharged from the hospital and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with 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 District Munsif-cum-Judicial Magistrate, Thiruvadanai, Ramanathapuram District and 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 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 fail 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 before the respondent police for 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.

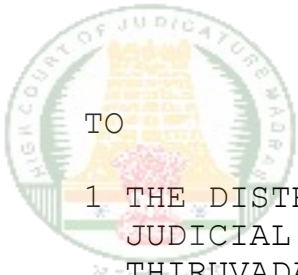
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-

25/06/2019

/ TRUE COPY /



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.K.RAMANATHAN, Advocate (SR-10416[I] dated 25/06/2019)

ORDER

IN

CRL OP(MD) No.8888 of 2019

Date :25/06/2019

JM/VR/SAR 4/03.07.2019/3P/6C