

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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8894 of 2019

STANLY

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.245/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.RAJESH Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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 294 (b), 324, 427 and 506 (ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.245 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 28.04.2019, at about 04.30 p.m, the petitioner along with other accused persons assaulted the defacto complainant's daughter and criminally intimidated her. He further submitted that due to money dispute, the defacto complainant gave a false complaint against the petitioner and others. He further submitted that only based on the confession of A1, the petitioner has been falsely implicated in this case and the injured was already discharged from the hospital, and therefore, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner along with other accused persons assaulted the defacto complainant's daughter and

criminally intimidated her, and hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner and the injured person was already discharged from the hospital.

5. Taking into consideration of the aforesaid fact that the injured was already discharged from the hospital and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, No.I, Padmanabapuram, Kanyakumari 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:

(i) If the petitioner fail 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 NO.I,
PADMANABAPURAM, KANYAKUMARI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

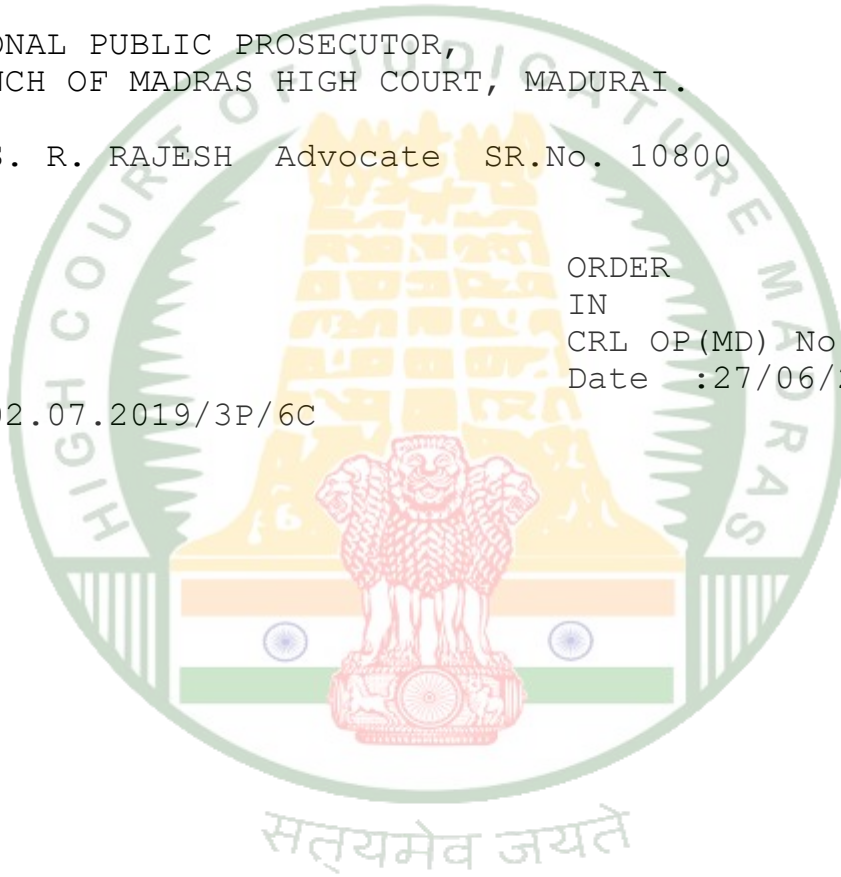
3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S. R. RAJESH Advocate SR.No. 10800

ORDER
IN
CRL OP(MD) No.8894 of 2019
Date :27/06/2019

JM/PN/SAR 4/02.07.2019/3P/6C



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