

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8980 of 2019

Kengaimuthu

... Petitioner/Accused No.5

Vs

State Rep.by

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
(In Crime No.55 of 2019)

... Respondent/Complainant

For Petitioner : M/s.P.Muthupandi,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.55 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) and 307 of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in the above case. He further submitted that the injured person was already discharged from the hospital. He further submitted that co-accused persons in this case were granted anticipatory bail. He would also submit that based on the confession statement given by A1, this petitioner is implicated. Hence, he prayed to grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally five accused in this

case and the petitioner herein is A3 who is friend of A1 due to wordy quarrel the petitioner herein along with others have assaulted the defacto complainant with aruval and caused injury. Hence he opposed for granting anticipatory to the petitioner. However she fairly conceded that the injured person was already discharged from the hospital.

5. Taking into consideration the fact that the injured person was discharged from the hospital and also considering the fact that this petitioner herein was implicated only based on the confession given by the co-accused and also considering the fact that co-accused persons were enlarged on bail, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur, Thoothukudi 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/-

27/06/2019

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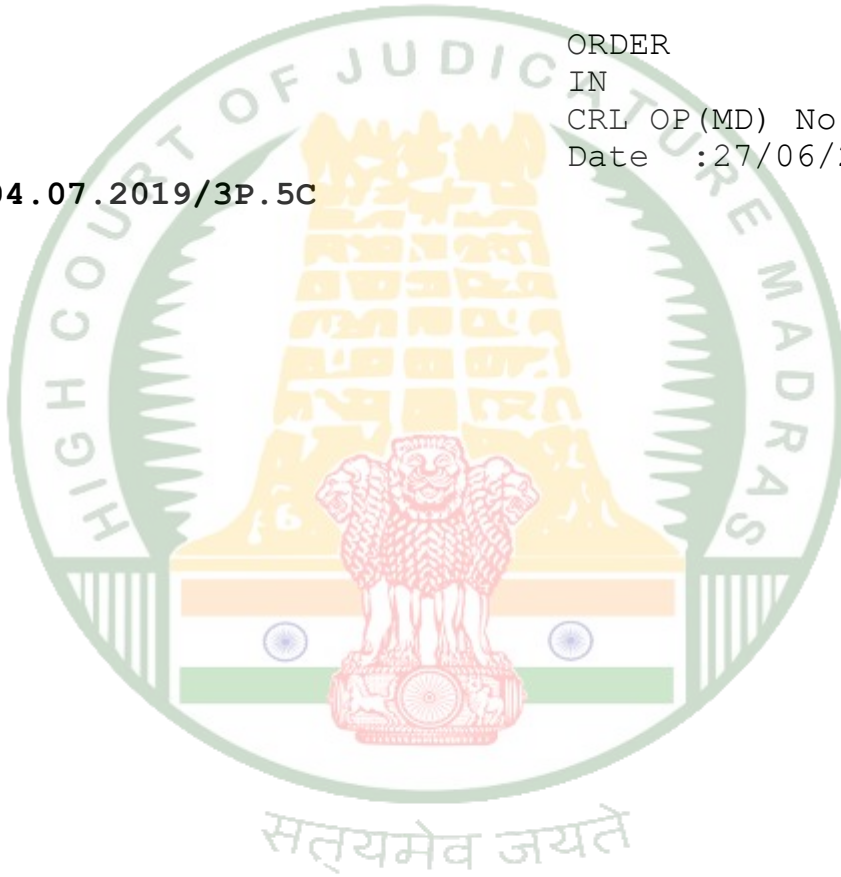
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.8980 of 2019
Date :27/06/2019

MS/PN/SAR-4/04.07.2019/3P.5C



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