

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9045 of 2019

Soosaimanickam

.... Petitioner/Single Accused

Vs

State:

The Inspector of Police,
Thiruvehambathur Police Station,
Sivagangai District.

Crime No.56 of 2019

.... Respondent/Complainant

For Petitioner : M/s.V.Kannan,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.56 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), 323 and 506 (ii) of IPC, in Crime No.56 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Even as per the FIR, on 18.06.2019, while the defacto

complainant taking water in the public tab, the petitioner, who is the Panchayat Clerk in their Village Panchayat instructed her not to waste the drinking water and the same was objected by her. Subsequently, the petitioner attacked the defacto complainant with wooden stick and criminally intimidated her. He further submitted that the injured sustained only simple injuries and also she was discharged from the hospital and therefore, he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner has assaulted the defacto complainant and criminally intimidated her and hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injuries and she was already discharged from the hospital.

5.Taking into consideration the fact that the injured person sustained only simple injuries and she was also discharged from the hospital, 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 Judicial Magistrate, Devakottai, 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/-
01/07/2019

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

TO

- 1.The Judicial Magistrate,
Devakottai.
 - 2.Do-Through The Chief Judicial Magistrate,
Sivagangai District.
 - 3.The Inspector of Police,
Thiruvehambathur Police Station,
Sivagangai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.V.KANNAN, Advocate (SR-10851[I] dated 02/07/2019)

ORDER
IN
CRL OP(MD) No.9045 of 2019

dss

TK/PN/SAR.3/04.07.2019/3P/6C

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