



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9114 of 2019

Santhanaraj,,

... Petitioner/Accused No.1

Vs

The State rep.by its
The Sub Inspector of Police,,
South Police Station,
Thoothukudi District.
(Crime No.368 of 2019).

... Respondent/Complainant

For Petitioner : Mr.N.Ramesh Arumugam,
Advocate.
For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.368 of 2019 on the file of the respondent Police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 342, 352 and 506(i) IPC, in Crime No.368 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the injured person has sustained only simple injuries and already the petitioner's wife has registered a complaint against the son of the defacto complainant in Crime No.278 of 2019. Hence, he prayed to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that the injured person has sustained only simple injuries. However, she opposed the anticipatory bail application on the ground that investigation is still pending.

5. Taking into consideration of the fact that as per the F.I.R, the petitioner and two others have assaulted the defacto complainant's son, but, the said person was not sent for any medical examination and also the fact that already the petitioner's wife gave a complaint against the defacto complainant's son in Crime No.278 of 2019 and also the fact that the injured person sustained only simple injuries, 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, 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:

(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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THOOTHUKUDI.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to MR.M.S.JEYAKARTHIK, Advocate (SR-10702[I] dated 28/06/2019
)

ORDER

IN

CRL OP(MD) No.9114 of 2019

Date :28/06/2019

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TK/VR/SAR-III (04.07.2019) 3P 6C