



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.923 of 2019

RAJENDRAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION,
RAMNAD DISTRICT.
CRIME NO.2/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

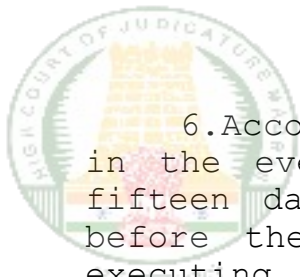
The petitioner, apprehending arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323,324 and 341 of IPC and Section 4 of TNPHW Act, in Cr.No.2 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the relative of the petitioner and her husband is working in abroad and as such, the petitioner is acting as a guardian for the defacto complainant. The defacto complainant without informing with the petitioner went to Palani Temple. Objecting the same, he scolded the defacto complainant with filthy language, attacked her with a battery and threatened with dire consequences.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he had nothing to do with the alleged crime. Hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had attacked the defacto complainant with battery and threatened her with dire consequences.

5.Considering the above facts and circumstances of the case, 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, Mudukulathur and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] The petitioner shall report before the respondent Police for a period of two weeks and thereafter, as and when required 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
MUDUKULATHUR, RAMANATHAPURAM DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE,
ELANJAMBUR POLICE STATION, RAMNAD DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.D.VENKATESH Advocate SR.No.1241

ORDER IN
CRL OP(MD) No.923 of 2019
Date :23/01/2019