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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9396 of 2019

V.K.T.Parameswaran

... Petitioner/Accused(Single)

Vs

State Rep.by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.248/2019)

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Cr.No.248/2019 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), 342, 307 and 506(ii) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted even as per the First Information Report, it is stated that the petitioner herein tried to attack the defacto complainant with axe and there was an abrasion on the left shoulder and injuries in the right knee. He further submitted that the injury sustained by the defacto complainant is simple and he was already discharged from the hospital. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to previous enmity the petitioner herein abused the defacto



complainant and assaulted him with deadly weapons. Hence he opposed to grant anticipatory bail to the petitioner on the ground that two previous cases are pending against the petitioner. However he fairly conceded that the injured was already discharged from the hospital.

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5. By way to reply to the submissions made by the learned Additional Public Prosecutor, the learned counsel for the petitioner has submitted that the petitioner was in bail in other cases and the offence under Section 307 will not attract against the petitioner herein.

6. Taking into consideration the fact that there is no specific allegation levelled against the petitioner herein and also the fact that the injuries sustained by the defacto complainant are simple in nature and also considering the fact that the petitioner is in bail in other previous cases and also considering the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[7] 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, Melur, Madurai 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.R. 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.

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

TO

1. THE JUDICIAL MAGISTRATE, MELUR,
MADURAI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.ANAND Advocate SR.No.11136

ORDER
IN
CRL OP (MD) No.9396 of 2019
Date :03/07/2019

MS/PN/SAR-2/09.07.2019/3P.6C