



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.941 of 2019

BEER MOHAMED

... PETITIONER /SOLE ACCUSED

Vs

THE STATE, BY
THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMNAD DISTRICT,
CRIME NO.128/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

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

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

ORDER : The Court Made the following order :-

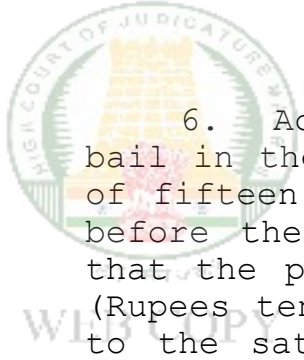
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 306 r/w 511 of IPC, in Cr.No.128 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a Accounts Teacher in Pallivasal Higher Secondary School, Mudukulathur and taking class for 11th standard. The defacto complainant is a student studying 11th standard in that School. In one such occasion, victim was reprimand for not taking the subject seriously and finishing the homework, for which, the defacto complainant had consumed cow-dung powder and her stomach was obstruct and due to which, she had vomiting and diarrhea.

3. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence.

4. The learned Government Advocate (CrI.side) would submit that the victim has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.



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 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 said Magistrate, 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 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,
MUDUKULATHUR POLICE STATION, RAMNAD DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.D.VENKATESH Advocate SR.No.1242

ORDER IN
CRL OP(MD) No.941 of 2019
Date :23/01/2019