



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

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9565 of 2019

BALAJI @ GANANA BALAJI

... PETITIONER /1st ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO. 274 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SELVAKUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

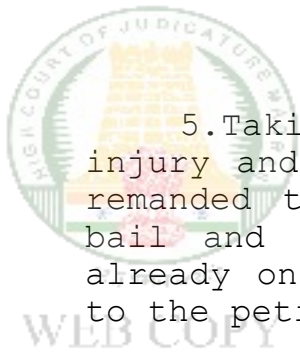
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC, in Crime No.274 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is arrayed as A1. He further submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that already A3 and A4 were arrested and remanded to judicial custody and subsequently they were released on bail. He further submitted that on one sustained injury and hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that as per the F.I.R, the petitioner and other accused persons attacked the defacto complainant by using deadly weapons. He further submitted that the petitioner is having two previous cases and hence, he strongly opposed this petition. However, he fairly conceded that A3 and A4 were arrested and remanded to judicial custody and subsequently they were released on bail and no one sustained injury.



5. Taking into consideration the fact that no one sustained injury and also the fact that already A3 and A4 were arrested and remanded to judicial custody subsequently they were released on bail and also the fact that in other cases the petitioner was already on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, Nanguneri, 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 fails 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/-
05/07/2019

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>
THE JUDICIAL MAGISTRATE,
NANGUNERI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No. 11190

ORDER

IN

CRL OP (MD) No.9565 of 2019

Date :05/07/2019

JM/VR/SAR 4/12.07.2019/3P/6C