



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.995 of 2019

PALANI

... PETITIONER / ACCUSED No.5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THANJAVUR
Crime No.2/2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.SANJAY 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/Accused No.5, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 493, 294(b), 506(i) IPC r/w 109 IPC in Crime.No.2 of 2016 in C.C.No.43 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the petitioner and the de facto complainant. The petitioner used filthy language to abuse the de facto complainant and thereafter went to abroad. Due to the wordy quarrel, the de facto complainant has filed a complaint against the petitioner and since the petitioner went abroad, now his name is shown in column II as 'absconding accused'.

3. The learned counsel for the petitioner submitted that the petitioner is ready to produce substantial sureties for his due release and also would abide by the conditions imposed by this Court.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner was not arrested during trial of the case and also submitted that this is the first anticipatory bail application filed by the petitioner before this Court.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is 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, before the learned Judicial Magistrate No-I. Thanjavur 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 fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall appear before the respondent police on all hearing dates.

[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/-
24/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
THANJAVUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THANJAVUR.

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

+1. CC to Mr.S.M.SANJAY Advocate SR.No.1351

ORDER
IN
CRL OP(MD) No.995 of 2019
Date :24/01/2019

TK/PN/SAR-4/01.02.2019/3P/6C