



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

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22757 of 2018

T. RAMESH

... PETITIONER / ACCUSED No.1

Vs

THE STATE THROUGH
INSPECTOR OF POLICE
B1 NAGAR POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 195 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.J.CHAKKARAVARTHY 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 offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC, in Cr.No.195 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that due to some dispute the petitioner is said to have assaulted the defacto complainant with wooden log and abused him in filthy language. Hence, the complaint.

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 crime. The petitioner was already granted anticipatory bail in Crl.O.P.(MD).No.20710 of 2018 by order dated 22.11.2018. Since the Crime No.204 of 2018 was registered, he is unable to execute the sureties in this crime number. Hence, the petitioner has come forward with the fresh petition.

4The learned Government Advocate (Crl. Side) submits that the petitioner has 3 previous case.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Taking into consideration the facts of the case and the fact



that the injured person in this case has been discharged from the hospital and the petitioner has already granted anticipatory bail by this Court, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 fail 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/-
07/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
RAMANATHAPURAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
B1 NAGAR POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.



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

+1. CC to MR.S.J.CHAKKARAVARTHY Advocate SR.No.274

WEB COPY

ORDER

IN

CRL OP(MD) No.22757 of 2018

Date :07/01/2019

MSI/PN/SAR-II/10.01.2019-3P/6C