

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

Friday, the Twelfth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9798 of 2019

PONNUSAMY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
SANKARANKOVIL,
TIRUNELVELI DISTRICT.
CRIME NO. 108 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.108 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the defacto complainant is the wife of the petitioner. He further submitted that there was a quarrel arose between the petitioner and the defacto complainant, a false case has been registered against the petitioner. He further submitted that the injured sustained only simple injury and she has already been discharged from the hospital. He further submitted that except the offence under Section 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that there was a dispute between the husband (petitioner) and wife(defacto complainant), the petitioner

attacked the defacto complainant with hands. Thus, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury and she has already been discharged from the hospital.

5. Taking into consideration the submission made by the learned Government Advocate (Crl. Side) that there was a dispute between the husband and wife and the fact that the injured sustained only simple injury and she has already been discharged from the hospital, 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, Sankarankovil, 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/-

12/07/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

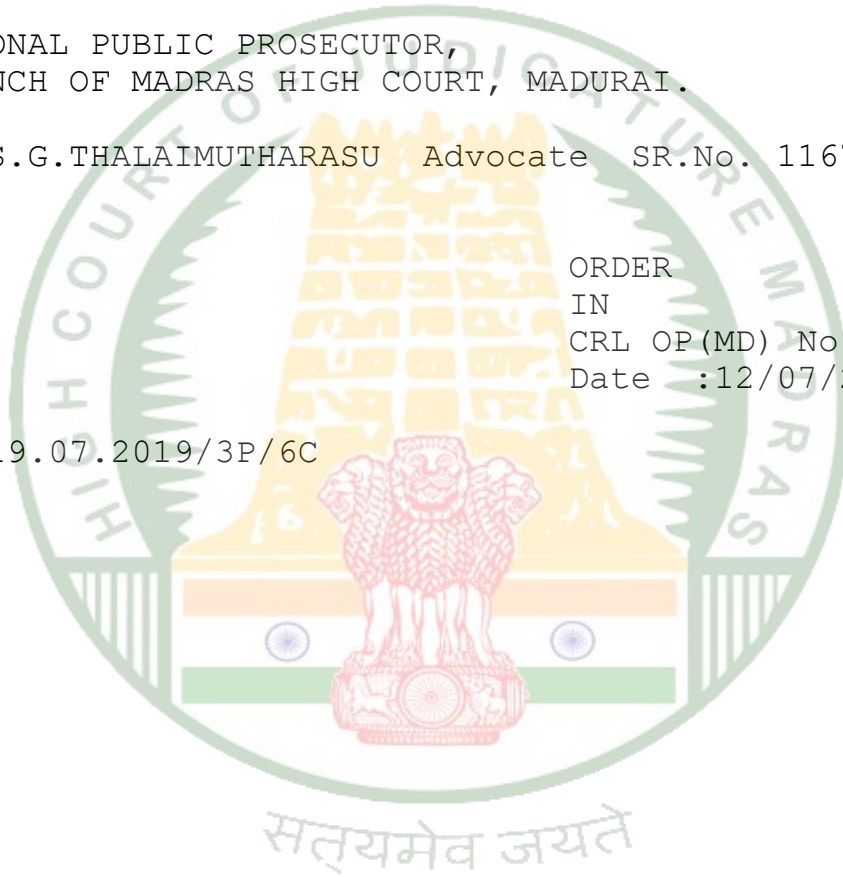
3 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
SANKARANKOVIL,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No. 11671

ORDER
IN
CRL OP(MD) No.9798 of 2019
Date :12/07/2019

JM/VR/SAR 3/19.07.2019/3P/6C



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