



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/07/2019

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PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD) . No.9934 of 2019

Pandi @ Veerapandi

... Petitioner/Accused No.1

Vs.

state rep.by

The Inspector of Police,  
Thirupalaikudi- Police Station,  
Ramanathapuram District.  
Crime No.83 of 2019.

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,  
Advocate.

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

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

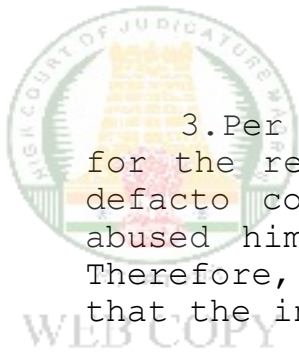
**PRAYER :-**

For Anticipatory Bail in Crime No. 83 of 2019 on the file of the Respondent police.

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), 324 and 506(ii) of IPC, in Crime No.83 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that due to previous enmity, the defacto complainant has assaulted the petitioner and caused injuries. He further submitted that based on the complaint given by the petitioner, the respondent police has registered a case against the defacto complainant in Crime No.84 of 2019 for the offence punishable under Sections 147, 294(b) IPC and Section 4 of Tamil Nadu Women Harassment Act. He further submitted that only with a view to escape from the said case, the defacto complainant lodged a false complaint against the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.



3. Per contra the learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner has assaulted the defacto complainant by using stick and sustained injury and also abused him with filthy language. Investigation is still pending. Therefore, she opposed this petition. However, she fairly conceded that the injured has been discharged from the hospital.

4. Taking into consideration of the aforesaid facts and also the fact that this is a case and case in counter and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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, Thiruvadanai, Ramanathapuram District, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

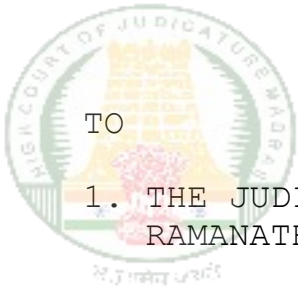
(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/07/2019

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI,  
RAMANATHAPURAM DISTRICT.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
  3. THE INSPECTOR OF POLICE,  
THIRUPALAIKUDI- POLICE STATION, RAMANATHAPURAM DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.11817

ORDER  
IN  
CRL OP (MD) No.9934 of 2019  
Date :16/07/2019

**MS/PN/SAR-4/24.07.2019/3P.6C**