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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9943 of 2019

Selvakumar

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
K. Paramathi Police Station,
Karur District.
Crime No.106/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Meenakshi Sundaram,
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.106/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

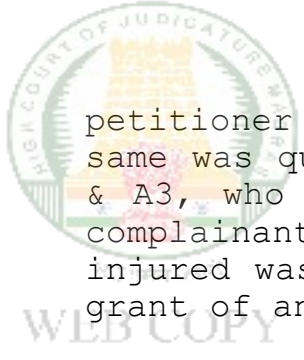
The memo filed by the petitioner is hereby recorded and the Registry shall carry out the necessary amendment.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 448 and 307 IPC, in Crime No.106 of 2019, seeks anticipatory bail.

3.Heard both sides.

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

4.The learned counsel appearing for the petitioner has submitted that as per FIR, on 31.05.2019 at about 05.00 p.m, the



petitioner had dug up the mud in the pathway by using JCB and the same was questioned by the defacto complainant and at that time, A2 & A3, who are the workers of the petitioner, attacked the defacto complainant and caused injuries. He further submitted that already injured was discharged from the hospital and therefore he prayed to grant of anticipatory bail to the petitioner.

5.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that it is a case in counter. Totally seven accused were involved in this case. A2 and A3 attacked the defacto complainant with Aruval and criminally intimidated him. Investigation is still pending, hence she opposed this petition. However, she fairly conceded that already the injured was discharged from the hospital.

6.Taking into consideration of the aforesaid facts and also the fact that already injured discharged from the hospital and also the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

7.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.II, Karur, 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 fail 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 NO.II, KARUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
K. PARAMATHI POLICE STATION, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.MEENAKSHI SUNDARAM Advocate SR.No.11776

ORDER
IN
CRL OP(MD) No.9943 of 2019
Date :16/07/2019

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