



WEB COPY

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.9926 of 2019

Mugesh

... Petitioner/2nd Accused

Vs

State Rep.by

The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli District.
Crime No. 159 of 2019.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

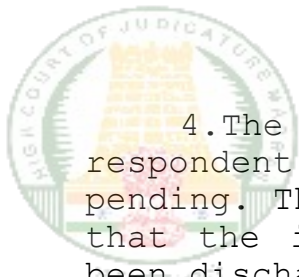
For Anticipatory Bail in Crime No.159 of 2019 on the file of the Respondent police.

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 342, 294(b), 323, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003, in Crime No.159 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the only allegation against the petitioner is that the defacto complainant was working in the M.V.M.Finance which belongs to the petitioner herein and when he was working in the said finance he borrowed some amount from the Accused No.1 and subsequently he could not pay the said amount and hence, both the accused persons have assaulted the defacto complainant. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that investigation is still pending. Thus, he opposed this petition. However, he fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

5. Taking into consideration the fact that the injured sustained only simple injury and he 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 No.IV, Tirunelveli, 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/-

16/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.11803

ORDER

IN

CRL OP (MD) No.9926 of 2019

Date :16/07/2019

MS/VR/SAR-3/18.07.2019/3P.6C