



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.9992 of 2019

Durgairajan

... Petitioner/Sole Accused

Vs

State Represented by,
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Cr.No.142 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Prabhu,
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 Cr.No.142 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),
353 and 506(ii) of IPC, in Crime No.142 of 2019, seeks anticipatory
bail.

2.The learned counsel appearing for the petitioner has
submitted that the petitioner is an innocent person and he has not
committed any offence as alleged by the prosecution. Hence, he
prayed to grant anticipatory bail to the petitioner.

3.Per contra the learned Government Advocate (Criminal Side)
for the respondent submitted that the defacto complainant is working
as Village Assistant, at Kaliyavoor Village. When he was on regular
patrol duty, the petitioner herein stolen the sand from the
Thamirabarani river bed. When the same questioned by the defacto
complainant, the petitioner herein threatened the defacto
complainant and abused him with filthy language.



4. Taking into consideration of the aforesaid facts and also the fact that no one sustained any injury in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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, Srivaikundam, 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.



1. THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.N.PRABHU Advocate SR.No.11752

ORDER

IN

CRL OP(MD) No.9992 of 2019

Date :16/07/2019

DAS

PK/JC/SAR-1/22.07.2019 : 3P/6C