



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.9953 of 2019

Ponraj

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Nazerth Police Station,
Thoothukudi District.
Crime No.111 of 2019

... Respondent/Complainant

For Petitioner : M/s.D.Selvanayagam, Advocate.
For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

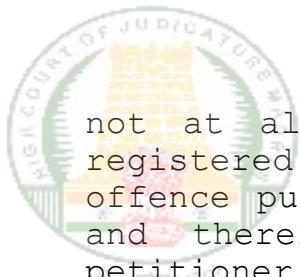
PRAYER :-

For anticipatory bail in cr.no.111 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 341, 294(b), 352 and 506(ii) of IPC, in Crime No.111 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. Hence, the petitioner herein has been admitted in the hospital and he is still taking treatment as in-patient. 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.112 of 2019 for the offence punishable under Sections 341, 294(b), 323, 324, 506(ii) IPC r/w 3(1)(r), 3(1), 3(2)(v-a) SC/ST (POA) Amendment 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. He further submitted that the defacto complainant



not at all sustained any injury and that is why the case was registered against the petitioner in Crime No.111 of 2019 for the offence punishable under Sections 341, 294(b), 352 and 506(ii) IPC and therefore, he prayed to grant anticipatory bail to the petitioner.

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3.Per contra the learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner has slapped the defacto complainant on his cheek and also pushed down and sustained injury. Hence the defacto complainant got admission in the Government Hospital and he is still taking treatment as in-patient. Therefore, she opposed this petition.

4.On perusal of FIR in Crime No.112 of 2019 shows that based on the complaint given by the petitioner herein a case was registered against the defacto complainant for the offence punishable under Sections 341, 294(b), 323, 324, 506(ii) IPC r/w 3(1)(r), 3(1), 3(2) (v-a) SC/ST (POA) Amendment Act. In Crime No.111 of 2019, the defacto complainant has stated that he was slapped by the petitioner herein on his cheek and pushed down. Based on the said complaint, initially CSR.No.219 of 2019 was received on 09.07.2019 and subsequently, FIR was registered on 10.07.2019 at 09.00.am in Crime No.111 of 2019 for the offence punishable under Sections 341, 294 (b), 352 and 506(ii) IPC. It appears that at the time of registering the FIR, the defacto complainant was not referred to hospital and subsequently, he got admission in the hospital.

5.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with 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, Sathankulam, 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, SATHANKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAZERATH POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVANAYAGAM Advocate SR.No.11769

ORDER

IN

CRL OP(MD) No.9953 of 2019

Date : 16/07/2019

das

TK/PN/SAR.4/24.07.2019/3P/6C