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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.9961 of 2019

B.Vetriithilagam

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District,
Crime No.125/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Murugan,
Advocate.

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

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

PRAYER :-

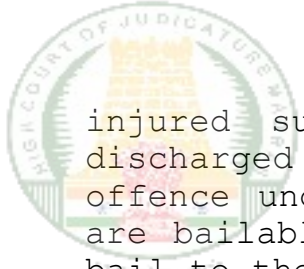
For Anticipatory Bail in Crime No.125/2019 on the file of the respondent police.

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), 323, 324, 506(i) and 379 of IPC and Section 4 of TNPWH Act, in Crime No.125 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to property dispute, a false case has been registered against the petitioner. He further submitted that a counter case has also been registered. He further submitted that the



injured sustained only simple injury and he has already been discharged from the hospital. He further submitted that except the offence under Section 4 of TNPWH Act, all other offences are bailable in nature. 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. A perusal of the FIR shows that dispute is in existence with regard to the property in between the family members.

6. Taking into consideration the aforesaid facts and also the submission made by the learned counsel for the petitioner that a counter case has also been registered and also 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.

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.I, Ramanathapuram, 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM
 - 2 THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
 - 3 THE INSPECTOR OF POLICE, BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT, CRIME NO.125/2019
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.R.MURUGAN Advocate SR.No.11782

ORDER
IN
CRL OP(MD) No.9961 of 2019
Date :16/07/2019

vsg
JM-I/VR/SAR-3/15.07.2019/3P-6C