



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10463 of 2019

Muthubalaji,

... Petitioner/Accused No.5

Vs

The State rep by
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.94 of 2019)

... Respondent/Complainant

For Petitioner : M/s.B.Jeyakuamr,
Advocate.

For Respondent : Ms. Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in Crime Number.94/2019

ORDER : The Court Made the following order :-

Memo filed by the petitioner dated 25.07.2019 is hereby recorded.

The petitioner/ accused no.5 , who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 323, 379 (NP) and 506 (ii) of IPC, in Crime No.03 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that with regard to the Co-operative Bank election, a false case has been foisted against the petitioner. He further



submitted that even though it is stated in the FIR that the defacto complainant and his driver were attacked by the petitioner along with others with hands, neither of them went to the hospital for taking treatment and that itself shows that the case is a false case. He further submitted that the co-accused persons in this case were already granted anticipatory bail by this Court and therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal side) appearing for the respondent has filed a counter stating that on 02.07.2019 at about 10.00 a.m, the petitioner along with others waylaid the defacto complainant's car and assaulted the defacto complainant and his son with hands and when one Raja and others intervened, the petitioner along with others escaped through their car and subsequently, again the defacto complainant was waylaid by the same persons and robbed a sum of Rs.10,000/- from the defacto complainant. Hence, she strongly opposed this petition. However she fairly conceded that the co-accused persons in this case were already granted anticipatory bail by this Court.

5.In the FIR it is stated that the petitioner along with others attacked the defacto complainant and his son stating that how can you file nomination in the Co-operative Bank election. So it appears that the dispute is only with regard to the filing of nomination in the co-operative bank election. Further, in the counter it is not stated that either the defacto complainant or his son went to any medical treatment. Taking into consideration the aforesaid facts and also the fact that the co-accused persons in this case were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditins.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, Usilampatti 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.



[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
25/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
USILAMPATTI , MADURAI DISTRICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JEYAKUAMR Advocate SR.No.12348

ORDER
IN
CRL OP(MD) No.10463 of 2019
Date :25/07/2019

KM/VR/SAR-II (09.08.2019) 3P 6C