



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10141 of 2019

Karuthapandi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Perunazhi Police Station
Ramanathapuram District.
Crime No.54 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.Arputharaj,
Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in cr.no.54 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 109, 294(b), 323 and 506(ii) of IPC, in Crime No.54 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 05.07.2019 at about 06.00 p.m, due to previous enmity, the petitioner along with other two accused persons attacked the defacto complainant and criminally intimidated him. He further 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 due to previous enmity, the petitioner and the other accused persons assaulted the defacto



complainant and criminally intimidated him. The investigation is still pending. Therefore, she opposed this petition.

4. Even though it is stated in the complaint that the petitioner and other accused persons have assaulted the defacto complainant, the defacto complainant was not sent for any medical examination. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District, 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.

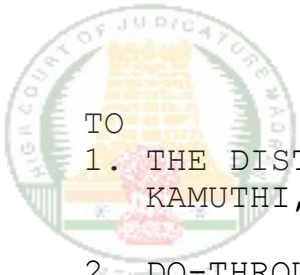
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-

19/07/2019

/ TRUE COPY /



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.S.S.ABBANI KARPURA JOTHI, Advocate SR.No.11999

ORDER

IN

CRL OP(MD) No.10141 of 2019

Date :19/07/2019

MS/PN/SAR-4/24.07.2019/3P.6C