



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/07/2019

WEB COPY

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10273 of 2019

Devavaram Gamallel Paul

... Petitioner/Sole Accused

Vs

State : The Inspector of Police,
South Gate Police Station,
Madurai City
Crime No. 270 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.M.Manivelpandian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 270 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), 323 and 506(i) of IPC in Crime No.270 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to the church election motive, a false case has been registered against the petitioner. He further submitted that the injured sustained only simple injury. He further submitted that in the previous cases the petitioner is on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioner is having two previous cases. He further submitted that the investigation is still pending. Thus, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury.



5. Though in the FIR it is stated that the petitioner has assaulted the defacto complainant with hands, he was not sent for medical examination.

6. Taking into consideration the aforesaid facts and also the submission made by the learned counsel for the petitioner in the previous cases the petitioner is on bail, 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. IV, Madurai, 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.

sd/-
24/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. IV,
MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION,
MADURAI CITY

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

ORDER

IN

CRL OP (MD) No. 10273 of 2019

Date : 24/07/2019

VSG

PK/VR/SAR-4/29.07.2019 : 3P/5C