



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10342 of 2019

Sivakumar

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai District.
(Crime No.198/2019)

... Respondent/Complainant

For Petitioner : M/s.Antony.S.Prabahar,
Advocate.

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

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

PRAYER :-

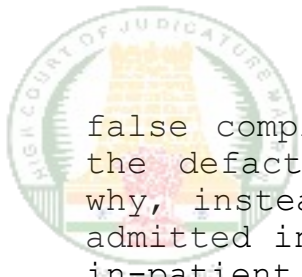
For Anticipatory bail in Cr.No.198/2019 on the file of the respondent police.

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 147, 148, 341, 363, 294(b), 324 and 506(ii) of IPC in Crime No.198 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that one Annadurai, who is a close friend of the defacto complainant, has abducted petitioner's daughter and with regard to the same, the petitioner has lodged a complaint before the Inspector of Police, Thirumayam Police Station on 10.07.2019 and after receipt of the said complaint, the concerned police has issued C.S.R.No.158 of 2019 and only with a view to escape from the said case, at the instigation of the said Annadurai, the defacto complainant lodged a



false complaint against the petitioner. He further submitted that the defacto complainant sustained only simple injury and that is why, instead of admitting himself in the Government hospital he has admitted in the private hospital and still he is taking treatment as in-patient. He further submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the State has submitted that one Annadurai who is the friend of the defacto complainant and the petitioner's daughter fell in love and eloped. On suspicion that the defacto complainant alone helped for the said elopement, the petitioner and other accused persons have kidnapped the defacto complainant and attacked the defacto complainant with deadly weapons and caused grievous injuries. He further submitted that the defacto complainant is having sustained re fracture Ulna(RT) and for that surgery was conducted in the PKN Medical Centre, Karaikudi and still he is taking treatment as in-patient and therefore, he strongly opposed this petition.

5.In the accident register said to have been issued by the private hospital namely P.K.N Medical Centre, Karaikudi, the external injuries are not mentioned. Further, in the said accident register, it is stated that the defacto complainant was admitted in the said hospital on 14.07.2019 at 7.00 p.m, whereas in the certificate issued by the said hospital, it is stated that the defacto complainant was admitted on 15.07.2019. Further in the said certificate it is stated that he was assaulted and got only re fracture Ulna (Rt). Admittedly, A1 has also lodged a complaint against the defacto complainant's friend namely Annadurai as he has abducted petitioner's daughter.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with 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, Karaikudi, Sivagangai 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 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/-
29/07/2019

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

TO

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

+1. CC to M/S.ANTONY.S.PRABAHAR Advocate SR.No.12449

ORDER
IN
CRL OP(MD) No.10342 of 2019
Date :29/07/2019

MS/VR/SAR-1/06.08.2019/3P.6C