



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10466 of 2019

Ponni @ Ponnammal

... Petitioner/Accused No.3

Vs

State rep.by its,
The Inspector of Police,
Chokkampatti Police Station,
Tirunelveli.
Crime No.181 of 2019

... Respondent/Complainant

For Petitioner : M/s.R.J.Karthick,
Advocate.

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

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

PRAYER :-

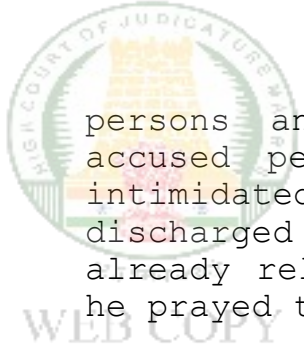
For anticipatory bail in Crime No.181/2019 on the file of the respondent police

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, 294 (b), 323, 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, Crime No.181 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, A1 borrowed a sum of Rs.1,50,000/- from the defacto complainant and re-paid the amount of Rs.1,25,000/- to the defacto complainant. The defacto complainant went to the house of accused persons and demanded the balance amount. At that time, the wordy quarrel arose between the accused



persons and the defacto complainant. The petitioner and other accused persons attacked the defacto complainant and criminally intimidated him. He further submitted that the injured was discharged from the hospital and the co-accused were already released on bail by the learned Sessions Judge, and hence, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that seven accused persons are involved in this case. Due to money dispute, the wordy quarrel arose between the accused persons and the defacto complainant. The petitioner and other accused persons assaulted the defacto complainant and criminally intimidated him. He further submitted that the petitioner is having 5 previous cases. Hence, he opposed this petition. However, he fairly conceded that the injured was discharged from the hospital and the co-accused were already released on bail by the learned Sessions Judge and the petitioner is not having similar type of cases.

5.Taking into consideration the aforesaid fact that the injured discharged from the hospital and also the fact that co-accused were already released on bail and also the fact that no similar type of cases are pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Court, Tenkasi, 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:

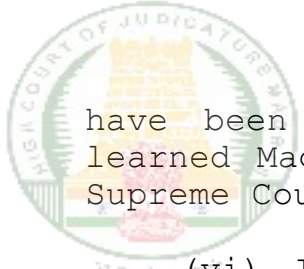
(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(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/Judicial 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/-
29/07/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, TENKASI

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.12465

ORDER
IN
CRL OP(MD) No.10466 of 2019
Date :29/07/2019

dss
PK/PN/SAR-1/06.08.2019 : 3P/6C