



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10472 of 2019

Gopalakrishna Nair

... Petitioner/Accused(single)

Vs

State Rep.by

The Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

In crime No.129 of 2019

... Respondent/Complainant

For Petitioner : M/s.R.Anand,
Advocate.

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

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

PRAYER :-

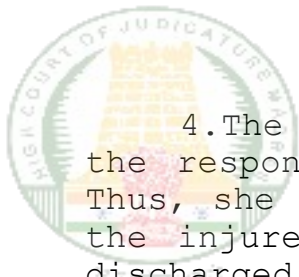
for anticipatory bail in crime no.129/2019 on the file of the respondent police

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, 324 and 506(ii) of IPC in Crime No.129 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the petitioner is aged about 40 years old. He further submitted that a counter case has also been registered. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. He further submitted that except the offence under Section 506(ii), all other offences are bailable in nature. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that investigation is still pending. Thus, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury and he has already been discharged from the hospital.

5. Taking into consideration the fact that the injured sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, Ambasamudram, Tirunelveli 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) considering the submission made by the learned counsel for the petitioner that the petitioner is aged about 40 years old and he is having knee problem, the petitioner is directed to appear before the respondent police daily at 10.30 a.m for a period of one week 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].

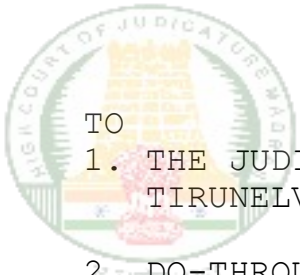
(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

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

3. THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.ANAND Advocate SR.No.12303

ORDER

IN

CRL OP(MD) No.10472 of 2019

Date :25/07/2019

MS/PN/SAR-3/29.07.2019/3P.6C