



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10628 of 2019

Dharmaraj, ... Petitioner/Accused No.1

Vs

State rep by  
The Inspector of Police,  
Kulithalai Police Station,  
Kulithalai, Karur District.  
(Crime.No.312/2019).

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,  
Advocate.

For Respondent : Ms.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.312/2019 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, 341, 294 (b), 353, 332 and 506 (i) of IPC, in Crime No.312 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is working as a manager in a Mini bus Reg.No.TN 47 Y 7009 and when the said bus entered into the



Kulithalai bus stand, the defacto complainant who is the Manager of the TNSTC Bus entered quarrel with the petitioner and his driver as his bus should not come into the Bus Stand and with regard to the same, the petitioner has lodged a complaint and based on the same, FIR has been registered in Cr.No.313 of 2019 and the defacto complainant has lodged a false complaint. He further submitted that the injured sustained only simple injury and he was also discharged from the hospital, and therefore, he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that it is a case and case in counter and the petitioner assaulted the defacto complainant and criminally intimidated him. Hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injury and he was already discharged from the hospital and no previous case is pending against the petitioner.

5.Considering the submission made by the learned counsel for the petitioner that counter case has been registered in Crime No.313 of 2019 and also the submission made by the learned Government Advocate (criminal Side) that the injured sustained only simple injuries and he was also discharged from the hospital and also the fact that no previous case is 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned The Judicial Magistrate, Court, No.II, Kulithalai 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
31/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE  
COURT NO.II, KULITHALAI, KARUR DISTRICT
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE  
KULITHALAI POLICE STATION, KULITHALAI,  
KARUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.ARUNRAJ Advocate SR.No.12641

ORDER  
IN  
CRL OP(MD) No.10628 of 2019  
Date :31/07/2019

KM/VR/SAR-I (09.08.2019) 3P 6C