

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

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10669 of 2019

Indirani

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tirunelveli District.
Crime No. 252 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.Muthukrushnan,
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. 252 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 323,
324, 294 (b), and 506 (ii) of IPC, in Crime No.252 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, due to civil dispute, the
petitioner assaulted the defacto complainant and criminally
intimidated him. He further submitted that the injured sustained
only simple injuries and also he was discharged from the hospital
and A1 & A2 already released on bail by this Court, and therefore,
he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent has submitted that the petitioner has assaulted the

defacto complainant and criminally intimidated him and hence, he opposed this petition. However, she fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital and A1 & A2 already released on bail by this Court.

5. Taking into consideration the fact that the injured person sustained only simple injuries and he was also discharged from the hospital and also the fact that A1 & A2 already released on bail, 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, Sankarankovil 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 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/Trial 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/-
30/07/2019

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TO

1.THE JUDICIAL MAGISTRATE
SANKARANKOVIL

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

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

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

+1. CC to Mr.S.MUTHUKRUSHNAN Advocate SR.No.12584

ORDER
IN
CRL OP(MD) No.10669 of 2019
Date :30/07/2019

dss

TK/VR/SAR.1/06.08.2019/3P/6C



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