



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

Date : 06/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10665 of 2019

Kannan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Veerapandi Police Station,
Theni District
(Crime No.302 of 2019).

... Respondent/Complainant

For Petitioner : M/s.G.Karuppasamy Pandiyan,
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.302 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 294(b), 323, 342, 324, 379 and 506(i) of IPC in Crime No.302 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and as per the F.I.R, due to civil dispute, the petitioner attacked the defacto complainant and take a cell phone worth about Rs.12,500/-. He further submitted that co-accused were already granted anticipatory bail by the Sessions Court and that the injured person sustained only simple injury and he has already been discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioner.



3. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally, there are three accused. Due to civil dispute, the petitioner/A-1 attacked the defacto complainant and caused injuries and also took the cell phone of the defacto complainant. Hence, he opposed this petition. However, he fairly conceded that the injured person has already been discharged from the hospital and A-2 and A-3 were already granted anticipatory bail by the Sessions Judge.

4. Taking into consideration of the submissions made by the learned counsel for the petitioner that already a civil dispute is pending between the parties, also the fact that A-2 and A-3 were already granted anticipatory bail by the Sessions Judge and also the fact that the injured person 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.

5. 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, Theni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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.R.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.

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sd/-
06/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THENI

2.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT

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

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.12999

ORDER
IN
CRL OP(MD) No.10665 of 2019
Date :06/08/2019

vs
ES/JC/SAR 2/19.08.2019/3P/6C