



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.10678 of 2019

WEB COPY

Raghu, ... Petitioner/Sole Accused

Vs

The State rep by its
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District
Crime No.330 of 2019.

... Respondent/Complainant

For Petitioner : Mr.A.Karthik,
Advocate.

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

For Intervenor :Mr.M.Sarangan

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

PRAYER :-

for Anticipatory bail in Crime No.330 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),
324, 506(i) of IPC r/w Section 4 of TNPHW Act and Section 4 of
TNPPDL Act in Crime No.330 of 2019, seeks anticipatory bail.

2.The learned counsel for the petitioner has submitted that the
petitioner is the husband of the defacto complainant and since the
defacto complainant had borrowed loan from so many persons and due
to the same, quarrel arose in the family, the petitioner is living
separately and on 08.07.2019 at about 5.50 p.m, only for the purpose
of seeing his wife (defacto complainant) and his sons, he came
there. At that time, one Rajendran (intervenor) came there with his
wife in a car. He further submitted that when the petitioner was
talking with his wife, the said Rajendran and his wife entered into
a fight with the petitioner and the intervenor's wife has pelted
stones aiming the petitioner's head and since the petitioner has



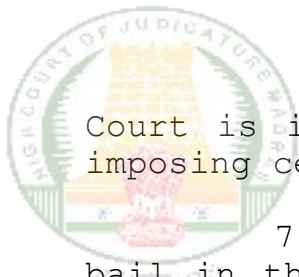
moved his head, the said stone hit on the intervenor's car and caused damage to the windscreen glass. He further submitted that with regard to the same, a complaint also has been lodged before the respondent and F.I.R has been registered in Cr.No.331/2019 under Sections 294(b), 324 and 506(i) I.P.C against the intervenor and his wife and also the petitioner's wife. He further submitted that only with a view to escape from the said case, on the instigation of the intervenor, the petitioner's wife has lodged a false case against the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.

3.The learned counsel for the intervenor has submitted that the intervenor is an advocate and since the petitioner's wife is working with the intervenor's wife, for the purpose of meeting on 08.07.2019 at about 4.00 p.m, the intervenor and his wife went to the house of the petitioner's wife through their car bearing Regn.No.TN-58-AT-7094 and at that time, the petitioner involved in a quarrel with his wife and also assaulted her and hence, the intervenor and his wife have questioned the same and enraged by the same, the petitioner damaged the front side windscreen glass and side mirrors and also body of the car and caused loss to the tune of Rs.80,000/- and with regard to the same, the petitioner's wife has lodged a complaint and based on the same, the present FIR has been registered. He further submitted that only with a view to escape from the said case, the petitioner has lodged a false complaint against the defacto complainant and his wife and based on the same, FIR has been registered in Cr.No.331/2019. Therefore, he strongly opposed this petition.

4.The learned Government Advocate (Crl.Side) has adopted the arguments advanced by the learned counsel for the intervenor. She also opposed this petition.

5.The learned counsel for the petitioner by way of reply, has submitted that the intervenor has himself took the car to the workshop and got repaired and he has not produced the said car before the police. He further submitted that no report has been received either from the Motor Vehicle Inspector or from the Surveyor of the Motor Vehicles with regard to the damage caused to the said vehicle. However, on instructions, he submitted that the petitioner is ready to deposit a sum of Rs.30,000/- to the credit of the aforesaid crime number without prejudice to his defence.

6.Taking into consideration of the fact that a counter case also has been registered and also the fact that the said vehicle has not been subjected to any survey either by the Motor Vehicle Inspector or by the Surveyor of the Motor Vehicles and also the submission made by the learned counsel for the petitioner that the petitioner is willing to deposit a sum of Rs.30,000/- to the credit of the aforesaid crime number without prejudice to his defence, this



Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions:-

7. 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 Judicial Magistrate, No.I, Usilampatti 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] Before executing the bail bond, the petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the credit of Cr.No.330 of 2019 before the concerned Magistrate without prejudice to his defence;

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

[c] 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.

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

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

[f] 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].

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

sd/-
06/08/2019

/ TRUE COPY /

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



WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
 - 3 THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.KARTHIK Advocate SR.No.13027

ORDER
IN
CRL OP(MD) No.10678 of 2019
Date :06/08/2019

KM/JC/SAR-II (20.08.2019) 4P 6C