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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.10886 of 2019

Kamaraj

... Petitioner/Accused No.20

- Vs-

State Rep.by

The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
Crime No.51 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Ramu,
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.51 of 2019 on the file of the Respondent Police.

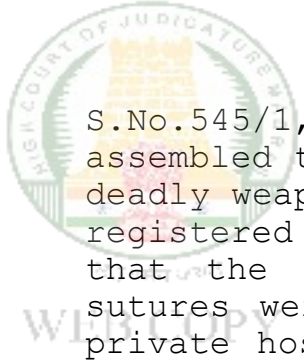
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 363, 427, 307 and 506(ii) of IPC, in Crime No.51 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to civil dispute, a false case has been foisted against the petitioner. He further submitted that this Court already granted bail to the co-accused in CrI.O.P.(MD).No.9545 of 2019. He further submitted that the Sessions Court granted anticipatory bail to the Accused No.6. Hence, he prayed to grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to some dispute regarding the enjoyment of land situated in



S.No.545/1, the petitioner and other accused persons unlawfully assembled together attacked the defacto complainant and his son with deadly weapons. He would also submit that counter case has also been registered against the defacto complainant. He would also submit that the defacto complainant's son sustained head injury and sutures were made in his head, he is still taking treatment in a private hospital. Hence he strongly opposed to grant anticipatory bail to the petitioner.

5.The only allegation made against the petitioner is that he associated with other accused persons and criminally intimidated to the injured persons.

6.Taking into consideration of the aforesaid fact and already this Court granted bail to the co-accused in CrI.O.P.(MD).No.9545 of 2019 and the Sessions Court granted anticipatory bail to the Accused No.6, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Karaikudi, 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 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/-

01/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.RAMU Advocate SR.No.12685

ORDER

IN

CRL OP(MD) No.10886 of 2019

Date :01/08/2019

MS/VR/SAR-1/06.08.2019/3P.6C