



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

Date : 01/08/2019

WEB COPY

PRESENT

**The Hon'ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.10868 of 2019

P.Pushparaj

... Petitioner/Sole Accused

Vs

State represented by  
The Inspector of Police,  
Sawyerpuram Police Station,  
Thoothukudi District.  
Crime No. 95 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.M.Manivel Pandian, 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.95 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 448, 294(b), 323, 427 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.95 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that a false case has been registered against the petitioner. He further submitted that the injured sustained only simple injury and he has already been discharged from the hospital. He further submitted that except the offence under Section 4 of Tamil Nadu Prohibition of Women Harassment Act, all other offences are bailable in nature. However, on instruction, he further submitted that the petitioner is willing to deposit a sum of RS.5,000/- (Rupees Five Thousand Only). Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. side) appearing for the respondent police has submitted that the petitioner and other accused persons damaged the household articles of the defacto complainant worth about Rs.5,000/- and also attacked the defacto complainant. She further submitted that the petitioner is having four previous cases out of which two cases are under Section 324 IPC; one case under Section 107 Cr.P.C and one case under Section 291 IPC. Thus, she opposed this petition. However, She fairly conceded that the injured sustained only simple injury and he was already discharged from the hospital. She also conceded that in the previous cases the petitioner is on bail.

5. Taking into Consideration of the allegation made against the petitioner and also the fact that the injured sustained only simple injury and he was already discharged from the hospital and also the fact that in the previous cases the petitioner is on bail and also the submission made by the learned counsel for the petitioner that the petitioner is ready to deposit a sum of Rs.5,000/- being the value of the damage caused, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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 No.I, Thoothukudi, 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 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.95 of 2019 before the learned Judicial Magistrate No.I, Thoothukudi, without prejudice his defence before the executing bail bond.

(iii) the petitioner should stay at Tirunelveli and report before the Palayamkottai town Police Station, Tirunelveli daily at 10.30 a.m until further orders.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.



(vi) 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].

(vii) 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 NO I,  
THOOTHUKUDI.
  2. THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
  3. THE INSPECTOR OF POLICE,  
SAWYERPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.
  4. THE INSEPCTOR OF POLICE  
PALAYAMKOTTAI TOWN POLICE STATION,  
TIRUNELVELI.
  5. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.M.MANIVEL PANDIAN Advocate SR.No.12720

ORDER  
IN  
CRL OP(MD) No.10868 of 2019  
Date :01/08/2019

vsg  
TK/VR/SAR.4/05.08.2019/3P/7C