

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10912 of 2019

Thamarai Kannan,

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Panayapatti Police Station,
Pudukottai District
(In Crime No. 47 of 2019).

... Respondent/Complainant

For Petitioner : M/s.K.Navaneetharaja,
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.47 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, 427 and 506(ii) of IPC in Crime No.47 of 2019, seeks
anticipatory bail.

2.The learned counsel appearing for the petitioner has
submitted that the defacto complainant went to the village of the
petitioner and pelted stones on the petitioner and hence, the
petitioner lodged a complaint before the Karaiyur Police Station and

<https://hcservices.ecourts.gov.in/hcservices/>

based on the same, FIR was registered in Cr.No.69/2019 under Sections 294(b), 324 and 506(ii) I.P.C against the defacto complainant and subsequently, the defacto complainant has lodged a false complaint against the petitioner. Therefore, 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 originally, the defacto complainant, went to the village of the petitioner and pelted stones on the petitioner and with regard to the said occurrence, the petitioner has lodged a complaint before the Karaiyur Police Station and the same was registered in Cr.No.69/2019. She further submitted that after the said occurrence, the petitioner went to the house of the defacto complainant and caused damage to the wind glass and diesel tank of the tipper lorry and the value of damage is Rs.20,000/-. Hence, she opposed this petition. However, she fairly conceded that the the defacto complainant sustained only simple injury and he was already discharged from the hospital.

4.Taking into consideration of the fact that originally, the defacto complainant has gone to the village of the petitioner and assaulted him and caused injuries and with regard to the same, a case was registered in Cr.No.69/2019 on the file of the Karaiyur Police Station as against the defacto complainant and also the submission of the learned Government Advocate (Crl.Side) that the defacto complainant sustained only simple injury and was already 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, Thirumayam 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.K.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.

sd/-
05/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE
PANAYAPATTI POLICE STATION,
PUDUKOTTAI DISTRICT

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

+1. CC to M/S.K.NAVANEETHARAJA Advocate SR.No.13024

ORDER
IN
CRL OP(MD) No.10912 of 2019
Date :05/08/2019

KM/JC/SAR-II (08.08.2019) 3P 6C