



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/08/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11099 of 2019

Kumar @ Selvakumar,

... Petitioner/Accused Rank not Known

Vs

State represented by  
The Inspector of Police,  
Karaikudi South Police Station,  
Sivagangai District.  
(Crime No.198 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.Kameswaran,  
Advocate.

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

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

PRAYER :-

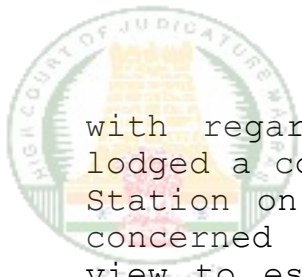
for Anticipatory bail in Crime No.198 of 2019 on the file of  
the Respondent Police

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, 341, 363, 294(b), 324 and 506(ii) of IPC in Crime No.198 of  
2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has  
submitted that one Annadurai who is a close friend of the defacto  
complainant has abducted Sivakumar's (Accused No.1) daughter and



with regard to the same, the said Sivakumar (Accused No.1) has lodged a complaint before the Inspector of Police, Thirumayam Police Station on 10.07.2019 and after receipt of the said complaint, the concerned police has issued C.S.R.No.158 of 2019 and only with a view to escape from the said case, at the instigation of the said Annadurai, the defacto complainant lodged a false complaint against the petitioner and other accused persons. He further submitted that the defacto complainant sustained only simple injury and he was already discharged from the hospital. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the State has submitted that one Annadurai who is the friend of the defacto complainant and the Sivakumar's (Accused No.1) daughter fell in love and eloped. On suspicion that the defacto complainant has helped for the said elopement, the petitioner and other accused persons have kidnapped the defacto complainant and attacked the defacto complainant with deadly weapons and caused grievous injuries. She further submitted that the defacto complainant is having sustained re fracture Ulna(RT) and for that surgery was conducted in the PKN Medical Centre, Karaikudi and therefore, she strongly opposed this petition. However, she fairly conceded that the defacto complainant was discharged from the hospital

5.In the accident register said to have been issued by the private hospital namely P.K.N Medical Centre, Karaikudi, the external injuries are not mentioned. Further, in the said accident register, it is stated that the defacto complainant was admitted in the said hospital on 14.07.2019 at 7.00 p.m, whereas in the certificate issued by the said hospital, it is stated that the defacto complainant was admitted on 15.07.2019. Further in the said certificate it is stated that he was assaulted and got only re fracture Ulna (Rt). Admittedly, A1 has also lodged a complaint against the defacto complainant's friend namely Annadurai as he has abducted Sivakumar's (Accused No.1) daughter.

6.Taking into consideration of the aforesaid facts and also the fact that the defacto complainant was discharged from the hospital, 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, Sivagangai District, 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 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/-  
07/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE  
KARAIKUDI, SIVAGANGAI DISTRICT
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE  
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE  
KARAIKUDI SOUTH POLICE STATION,  
SIVAGANGAI DISTRICT



CRL OP(MD) . No.11099 of 2019

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

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+1. CC to M/S.S.KAMESWARAN Advocate SR.No.13223

ORDER

IN

CRL OP(MD) No.11099 of 2019

Date :07/08/2019

KM/PN/SAR-IV (19.08.2019) 4P 6C