



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.11117 of 2019

Pandiyaraj

... Petitioner/Sole Accused

Vs

State rep.by,
The Sub Inspector of Police,
Kallikudi Police Station,
Madurai District
(Crime No.120 of 2019).

... Respondent/Complainant

For Petitioner : M/s.V.Baskaran,
Advocate.

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

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

PRAYER :-

for Anticipatory bail in Crime No.120 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

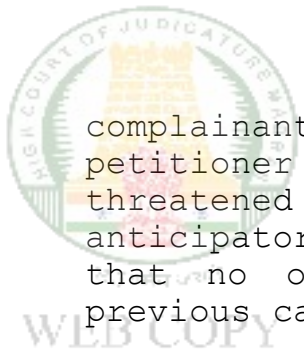
The petitioner/sole accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 353 and 506(i) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit
that a false case has been foisted against the petitioner. He
further submitted that there is no previous case pending against the
petitioner and no one sustained injuries in the said occurrence.
Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that
the petitioner has submitted an application through online seeking
transfer of patta to his land and till 31.07.2019, the defacto

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



complainant has not processed the said application, for which the petitioner herein abused the defacto complainant, assaulted him and threatened him with dire consequences. Hence she opposed to grant anticipatory bail to the petitioner. However she fairly conceded that no one sustained injuries in the said occurrence and no previous case is pending against the petitioner.

5. It is seen from the typed set of papers submitted by the learned counsel for the petitioner that on 01.07.2019 the petitioner herein had submitted an application through online seeking transfer of patta to his land but the defacto complainant has not processed the said application till 31.07.2019. Taking into consideration of the aforesaid facts and also the submission made by the learned counsel for the petitioner that the petitioner told the defacto complainant that he will make a complaint against him before the superiors and also the fact that no one sustained any injury in the said occurrence and no previous case is pending against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam 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] 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/-
07/08/2019

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/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, THIRUMANGALAM,
MADURAI DISTRICT.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.BASKARAN Advocate SR.No.13086

ORDER
IN
CRL OP(MD) No.11117 of 2019
Date :07/08/2019

AAV
PK/PN/SAR-4/21.08.2019 : 3P/6C