

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11233 of 2019

Lr.C. Muthuselvam,

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Town North Police Station,
Dindigul District.
Crime No. 1082 of 2018.

... Respondent/Complainant

For Petitioner : M/s. S.Moorthy,
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. 1082 of 2018 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)
and 506(i) of IPC in Crime No.1082 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that due to ulterior motive, a false case has been

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

registered against the petitioner. He further submitted that no one sustained injury. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl. Side) appearing for the respondent has submitted that the petitioner and other accused made life threat to the defacto complainant. She further submitted that the investigation is still pending. Thus, she opposed this petition. However, she fairly conceded that no one sustained injury.

5.Taking into consideration the fact that the petitioner and other accused person made only life threat to the defacto complainant and also the fact that no one sustained injury, 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 II, Dindigul 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 as and when required 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/-
14/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE II
DINDIGUL DISTRICT
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT
 - 3 THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. S.MOORTHY Advocate SR.No.13661

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ORDER
IN
CRL OP(MD) No.11233 of 2019
Date :14/08/2019

KM/PN/SAR-III (21.08.2019) 3P 6C