



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

Date : 09/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11247 of 2019

Ramachandran @ Ramasamy

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Rameswaram Town - Police Station,
Ramanathapuram-District.
(Crime No.165 of 2019)

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi, Advocate.

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.165 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

Memo has been filed by the petitioner herein recorded. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 307 of IPC and 25 (1-B) (b) of ARMS Act, in Crime No.165 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, on 31.07.2019, due to previous enmity, the petitioner along with other accused persons assaulted the defacto complainant and criminally intimidated him. He further submitted that the injured sustained only simple injuries and also he was discharged from the hospital. He further submitted that A1, A2, A4 and A5 were already arrested and subsequently released on bail and no previous case is pending against the petitioner, and therefore, he prayed anticipatory bail to the petitioner.



4.The Additional Public Prosecutor appearing for the respondent has submitted that the petitioner along with the other accused persons have assaulted the defacto complainant and criminally intimidated him and hence, she opposed this petition. He further submitted that A1, A2, A4 and A5 were already arrested and subsequently released on bail. However, he fairly conceded that the injured sustained only simple injuries and he was already discharged from the hospital and no previous case is pending against the petitioner.

5.Taking into consideration the fact that the injured person sustained only simple injuries and he was also discharged from the hospital and also the fact that A1, A2, A4 and A5 were already arrested and subsequently released on bail and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with 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 Munsif Cum Judicial Magistrate, Rameswaram, 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].



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f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/08/2019

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/ TRUE COPY /

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

TO

1. THE MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
RAMESWARAM TOWN - POLICE STATION,
RAMANATHAPURAM-DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. D. BALAMURUGAPANDI Advocate SR.No.13361

ORDER
IN
CRL OP(MD) No.11247 of 2019
Date :09/08/2019

MS/VR/SAR-1/20.08.2019/3P.6C