



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11298 of 2019

Vettaiyar, ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
in Crime No.158 of 2019.

... Respondent/Complainant

For Petitioner : M/s. A. Mohan,
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.158 of 2019 on the file of the respondent

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), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.158 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and due to family dispute, he has been falsely implicated in this case. He further submitted that the injured person sustained only simple



injury and she has already been discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioner.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant is the wife of the petitioner. Due to family dispute, the petitioner abused and attacked the defacto complainant and caused simple injuries. Hence, he opposed this petition. However, he fairly conceded that the injured person has already been discharged from the hospital.

4.Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and she has already been 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, No.II, Sivangangai District 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.

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sd/-
13/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI DISTRICT
- 2 DO THROUGH:
CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. A. MOHAN Advocate SR.No.13479

ORDER
IN
CRL OP(MD) No.11298 of 2019
Date :13/08/2019

KM/JC/SAR-II (20.08.2019) 3P 6C