



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11498 of 2019

S. Arumaninesan, ... Petitioner/Accused 2

Vs

The state rep by its
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District,
Crime No. 105 of 2019.

... Respondent/Complainant

For Petitioner : M/s. A.Mu. Sharavanan,
Advocate.

For Respondent : Ms.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. 105 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 341,
294 (b), 323, 324 and 506 (2) of IPC, in Crime No.105 of 2019, seeks
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that due to previous enmity with regard to the civil
dispute, the petitioner assaulted the defacto complainant and



criminally intimidated him. He further submitted that the injured sustained only simple injuries and he was discharged from the hospital. He further submitted that co-accused were already released on bail in Crl.M.P.No.2636 of 2019, and therefore, he prayed anticipatory bail to the petitioner.

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that case and counter case has been registered. She further submitted that the petitioner has assaulted the defacto complainant and criminally intimidated him and hence, she opposed this petition. However, she fairly conceded that the injured sustained only simple injuries and he was discharged from the hospital and co-accused were already released on bail.

5.Considering the fact that the already counter case has been registered against the defacto complainant and also the fact that the injured person sustained only simple injuries and also the fact that the co-accused were already arrested and released on bail, 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 Judicial Magistrate, Kamuthi, Ramanathapuram 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:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

sd/-
19/08/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S. A.MU. SHARAVANAN Advocate SR.No.13697

ORDER
IN
CRL OP(MD) No.11498 of 2019
Date :19/08/2019

KM/PN/SAR-II (22.08.2019) 3P 5C