

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.11394 of 2019

Rajkumar

... Petitioner/Accused No.5

Vs

State rep.by.

The Inspector of Police,
Kanavilakku Police Station,
Theni District.

Crime No. 168 of 2019.

... Respondent/Complainant

For Petitioner : M/s.B.Muneeswaran,
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. 168 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 294
(b), 323, 379 and 506 (ii) of IPC, in Crime No. 168 of 2018, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, the petitioner along with other
accused persons assaulted the defacto complainant and others and
criminally intimidated them. He further submitted that the
petitioner has not committed any offence as alleged by the
prosecution and he has been falsely implicated in this case, and
hence, he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that it is a case and counter case. The petitioner along with other accused persons assaulted the defacto complainant and others and criminally intimidated them. She further submitted that the first accused and the defacto complainant are husband and wife and due to some misunderstanding between them, they are leaving separately. The defacto complainant and others went to the first accused's house, who is living with her mother and assaulted the petitioner and others and caused injuries. Hence, the first accused lodged a complaint against the defacto complaint in Crime No.169 of 2019.

5.Taking into consideration of the fact that the first accused and the defacto complainant are husband wife and due to misunderstanding between them, they are living separately and also the fact that a counter case has been registered in Crime No.169 of 2019, this Court is inclined to grant anticipatory bail to the petitioner.

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, Andipatty, Theni 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 daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(ii) 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, ANDIPATTY,
THENI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
3. THE INSPECTOR OF POLICE
KANAVILAKKU POLICE STATION,
THENI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.11394 of 2019
Date :14/08/2019

VSG

PK/PN/SAR-2/22.08.2019 : 2P/5C

सत्यमेव जयते

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