



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.11499 of 2019

Sooriya

... Petitioner/Accused
(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
(Crime No.18 of 2019)

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
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.18 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),307, 506(ii) of IPC and Section 3(1) of TNPPDL Act seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR it is stated that A1 along with one more person came to the bar and when the defacto complainant demanded to pay a sum of Rs.690/- being the bill amount for supplying the liquor, A1 has paid only Rs.500/- and when the defacto complainant asked for balance amount of Rs.190/-, A1 stabbed the defacto complainant by breaking a liquor bottle. He further submitted that



in the FIR, the overt act is attributed against A1 only. He further submitted that based on the confession given by A3, 10 persons were added as accused. He further submitted that already A1, A3 to A10 were arrested. He further submitted that as per the First Information Report only two persons involved in the occurrence and the petitioner herein has been purposefully added as accused. Hence, he prayed to grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that though in the First Information Report it is stated that one Ram Kumar (A1)has stabbed the defacto complainant by breaking liquor bottle and along with A1, only one more person was there, but the respondent police has added eight more accused person based on the confession given by one Swaminathan(A3) and hence he strongly opposed this petition.

5. In the alleged confession statement A3 has stated that the petitioner herein also went to the defacto complainant's bar for drinking liquor, but it is not stated that the petitioner herein committed any offence. Taking into consideration of the aforesaid fact and also the fact that the injured person has sustained only simple injury and he was already discharged from the hospital , 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 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,Thanjavur 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].

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

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 NO.II, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.13666

ORDER
IN
CRL OP(MD) No.11499 of 2019
Date :19/08/2019

MS/VR/SAR-3/22.08.2019/3P.6C