



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

Date : 20/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11578 of 2019

N.Vignesh ... Petitioner/Accused No.2
Vs

State represented by
The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District,
(Crime No.168 of 2019). ... Respondent/Complainant

For Petitioner : M/s.T.Veerakumar,
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.168 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 452, 294 (b), 324, 323, 307 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.168 of 2019, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that even as per the FIR, due to wordy quarrel, the petitioner and the other accused persons assaulted the defacto complainant's mother and two others and criminally intimidated them. He further submitted that A1 only used knife and caused injuries to three persons. He further submitted that the injured persons sustained only simple injuries and also they were discharged from the hospital and therefore, he prayed anticipatory bail to the petitioner.



4.The Additional public Prosecutor appearing for the respondent has submitted that the petitioner and the other accused persons have assaulted the defacto complainant's mother and two others and criminally intimidated them and hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injuries and they were already discharged from the hospital.

5.The main allegations are made against A1 and he only used knife and caused injuries to three persons and insofar as this petitioner is concerned, the allegation against him is that he kicked the defacto complainant's mother and apart from the said allegation no other allegation has been made against him. Further, the injured persons were already discharged from the hospital.

6.Taking into consideration of all the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Court, 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:

(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 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.

(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.

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sd/-
20/08/2019

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

TO

- 1 THE 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.T.VEERAKUMAR, Advocate (SR-13739[I] dated 20/08/2019)

ORDER
IN
CRL OP(MD) No.11578 of 2019
Date :20/08/2019

DSS
ES/JC/SAR 2/26.08.2019/3P/6C