



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.11597 of 2019

C. Rajeshwaran

... Petitioner/Accused No.1

Vs

State through,
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.115 of 2019).

... Respondent/Complainant

For Petitioner : M/s.K.Ramanathan,
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.115 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, 324, 427 and 506 (ii) of IPC and r/w 4 of Women Harassment Act, in Crime No.115 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 land dispute, the petitioner along with other two persons assaulted the defacto complainant and criminally intimidated him. The petitioner and other accused persons have caused damage to the window glass and two wheeler to the value of Rs.5,000/-. He further submitted that the petitioner is willing to deposit his share of the damage amount



to the credit of crime number without prejudice to his defence. He further submitted that the injured sustained only simple injury and he was already discharged from the hospital, and hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally three accused persons are involved in this case. She further submitted that one suit is pending before the learned Sub-Judge, Ramanathapuram, in o.S.No.37 of 2018 with regard to land dispute. She further submitted that due to previous enmity, the petitioner and other accused persons have assaulted the defacto complainant and criminally intimidated him. She further submitted that they have caused damage to the window glass and two wheeler to the value of Rs.5,000/-. Hence, she opposed this petition. However, she fairly conceded that the injured person only sustained simple injury and he was already discharged from the hospital.

5.Taking into consideration of the fact that already a suit is pending before the learned Sub-Judge, Ramanathapuram, in o.S.No.37 of 2018 and also the fact that the injured persons sustained only simple injuries and he was already discharged from the hospital and also the fact that the petitioner is willing to deposit his part of damage amount (Rs.1,500/-), 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 Court, No.I, Ramanathapuram, 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]the petitioner shall deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) to the credit of Crime No.115 of 2019 before the learned Judicial Magistrate Court, No.I, Ramanathapuram, without prejudice to his defence before the trial Court;

[b] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c] 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-

20/08/2019

/ TRUE COPY /

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

TO

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

+1 CC to M/s.K.RAMANATHAN, Advocate (SR-13727[I] dated 20/08/2019)

ORDER

IN

CRL OP(MD) No.11597 of 2019

Date :20/08/2019

DSS

ES/JC/SAR2/27.08.2019/3P/6C