

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

Date : 21/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11651 of 2019

Ganesan @ Nandar Ganesan

... Petitioner/3rd Accused

Vs

The State,

Rep.by The Inspector of Police,
Karivalamvandhanallur Police Station,
Tirunelveli District.

(Crime No.276 of 2019). ... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu,
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.276 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 341, 294(b) and 506(ii) of IPC in Crime No.276 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and due to wordy quarrel, he has been falsely implicated in this case. He further submitted that no one sustained injury and hence, he prayed for grant of anticipatory bail to the petitioner.

3.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that due to wordy quarrel, the petitioner attacked the defacto complainant. Hence, she opposed this petition. However, she fairly conceded that in the said incident, no one sustained injury.

4. Taking into consideration of the aforesaid facts and also the fact that in this case, no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Sankarankovil 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:

[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/-
21/08/2019

/ TRUE COPY /

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

TO

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

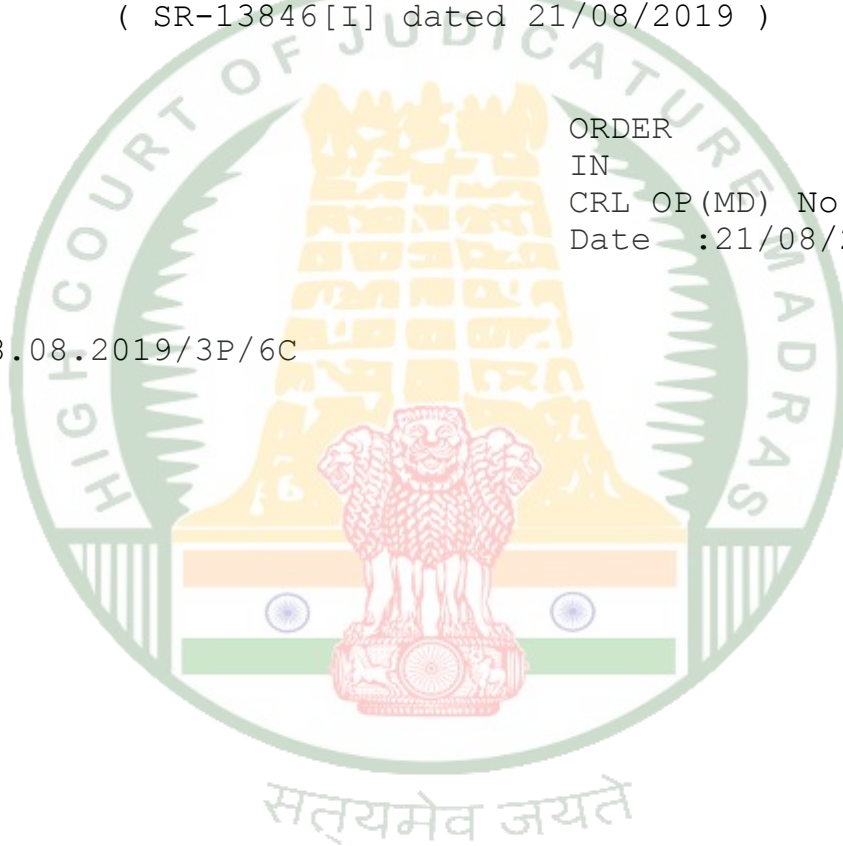
3 THE INSPECTOR OF POLICE
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.THALIMUTHARASU, Advocate
(SR-13846[I] dated 21/08/2019)

ORDER
IN
CRL OP(MD) No.11651 of 2019
Date :21/08/2019

vs
ES/PN/SAR3/28.08.2019/3P/6C



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