



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11739 of 2019

Manikandan

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Ammapatti Police Station,
Thanjavur District.
Crime No.312 of 2019.

... Respondent/Complainant

For Petitioner : M/s.V.Chandrapandi,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

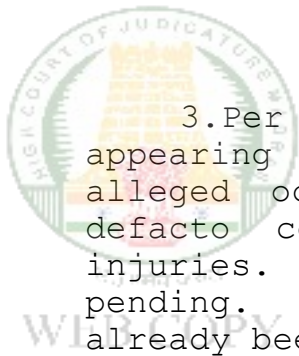
PRAYER :-

For Anticipatory Bail in Crime No.312 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324 and 506(ii) of IPC, in Crime No.312 of 2019 , seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and due to a wordy quarrel, he has been falsely implicated in this case. He further submitted that the petitioner has already given a complaint against the defacto complainant and the same was registered in Cr.No.313 of 2019 under Sections 294(b), 323, 324 and 506(ii) of IPC. He further submitted that the injured person sustained only simple injury and he has already been discharged from the hospital 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 on the date of alleged occurrence, the petitioner waylaid the vehicle of the defacto complainant and also attacked him and caused simple injuries. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that the injured person has already been discharged from the hospital.

4.Taking into consideration of the fact that the injured person sustained only simple injury and he has already been discharged from the hospital and also the fact that it is a case of case and counter, 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 District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District 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/-
27/08/2019

/ TRUE COPY /

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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.V.CHANDRAPANDI Advocate SR.No.14161

ORDER
IN
CRL OP(MD) No.11739 of 2019
Date :27/08/2019

TK/MMS/SAR.1/05.09.2019/3P/6C