



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

Date : 22/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11724 of 2019

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Subburaj

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Kadambur Police Station,
Tuticorin District,
(Crime No. 41 of 2019).

... Respondent/Complainant

For Petitioner : M/s.G.Mariappan,
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.41 of 2019 on the file of the Respondent Police.

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 427, 294 (b) and 506 (ii) of IPC, in Crime No.41 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, on 08.08.2019, the petitioner along with another accused person demolished the part of the compound wall of the defacto complainant and the same was questioned by the defacto complainant, the petitioner abused him with filthy language and criminally intimidated him. He further submitted that petitioner has filed a suit against the defacto complainant in O.S.No.72/2019 on the file of the learned Principal District Munsif, Kovilpatti. He further submitted that at the time of occurrence, the petitioner was not present in that place. He further submitted that this Court already granted anticipatory bail to the Accused No.2 in Crl.O.P. (MD) .No.11469 of 2019. Hence, he prayed to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that on 08.08.2019, the petitioner along with another accused person demolished the part of the compound wall of the defacto complainant and the same was questioned by the defacto complainant, the petitioner abused the filthy language and criminally intimidated him. Hence, she opposed this petition. She further submitted that already the petitioner has filed a suit against the defacto complainant in O.S.No.72/2019 on the file of the learned Principal District Munsif, Kovilpatti and the same is pending.

5.Taking into consideration of the fact that already the petitioner has filed a suit against the defacto complainant in O.S.No.72/2019 on the file of the learned Principal District Munsif, Kovilpatti, and also the fact that in the FIR, the defacto complainant has not stated that he has seen the occurrence directly and also the fact that this Court already granted anticipatory bail to the Accused No.2 in Crl.O.P.(MD).No.11469 of 2019 , 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 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, No.2, Kovilpatti, 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 days 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.

sd/-
22/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADAMBUR POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.G.MARIAPPAN, Advocate(SR-13941[I] dated 22/08/2019)

ORDER
IN
CRL OP(MD) No.11724 of 2019
Date :22/08/2019

VSG
ES/JC/SAR2/29.08.2019/3P/6C