



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

Date : 27/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11911 of 2019

Backiaraj

... Petitioner/Sole Accused

Vs

State Represented by  
The Inspector of Police,  
Thevarkulam Police Station,  
Tirunelveli District  
(Crime No.117 of 2019).

... Respondent/Complainant

For Petitioner : M/s.P.T.Thiraviam,  
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.117 of 2019 on the file of the respondent.

**ORDER** : The Court Made the following order :-

The petitioners/sole accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 307, 506(ii) of IPC, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners have submitted that due to previous enmity, a false case has been foisted against the petitioners. He further submitted that the injured persons have sustained only simple injuries and he has already been discharged from the hospital. Hence, he prayed to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that due to some land dispute the petitioner herein attacked the defacto complainant with iron rod and caused simple injury. He further submitted that injured person has sustained simple injuries and he has already been discharged from the hospital. However, he opposed anticipatory bail on the ground that investigation is still pending.



5. Taking into consideration the fact that the injured person has sustained only simple injuries and also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

WEB COPY

[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 No.III, Tirunelveli 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] 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



2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE  
THEVARKULAM POLICE STATION,  
TIRUNELVELI DISTRICT

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

+1 CC to M/s.P.T.THIRAVIAM, Advocate  
( SR-14174[I] dated 28/08/2019 )

ORDER  
IN  
CRL OP (MD) No.11911 of 2019  
Date : 27/08/2019

AAV  
ES/JC/SAR3/30.08.2019/3P/6C