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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12013 of 2019

S.Merlin Raj

... Petitioner/Accused
Rank Not Known

Vs

The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District
Crime No.381 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.381 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(ii) of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to some dispute regarding parking of vehicle a false case has been foisted against the petitioner. He further submitted that the injured persons has 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 Government Advocate(Crl.Side) appearing for the respondent has submitted that due to some dispute regarding parking



of vehicle the petitioner abused the defacto complainant assaulted him and threatened him with dire consequences. She further submitted that injured person has sustained simple injuries and she has already discharged from the hospital. However, she opposed anticipatory bail on the ground that investigation is still pending.

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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.

[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.I, Padamanapuram 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/-
28/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.1
PADAMANAPURAM

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.S.C.HEROLD SINGH Advocate SR.No.14253

ORDER
IN
CRL OP(MD) No.12013 of 2019
Date : 28/08/2019

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