



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP(MD) . No.12136 of 2019

Suresh

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime No.96 of 2019.

... Respondent/Complainant

For Petitioner : M/s.J.M.Hassanul Bazari,
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.96 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 147, 148, 294(b), 323, 506(ii) and Section 379 (NH) of IPC in Crime No.96 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that both the parties are residents of Chennai and they came to their native place on 07.08.2019 to celebrate Aadi festival and already, some complaints are pending between the parties and a counter case has also been registered. But, with a view to escape from the said case, the defacto complainant has lodged a false complaint against the petitioner herein and therefore, he prayed to grant anticipatory bail to the petitioner.



3.The learned counsel for the intervenor/defacto complainant has submitted that on 07.08.2019 at 6.00 am, when the defacto complainant and his family members came to their native place for celebrating the Aadi festival, the petitioner and other accused persons have attacked the defacto complainant and his family members with beer bottles and caused injuries and also snatched 5 sovereigns of gold jewels from the aunt of the defacto complainant and the said chain has to be recovered and therefore, he opposed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the Police has called the defacto complainant's aunt for getting statement, but, she is not co-operating. Hence, the Police is not in a position to ascertain whether actually the said jewel was snatched by the petitioner or not. However, he opposed this petition as investigation is pending.

5.Taking into consideration of the fact that already, enmity is prevailing between the parties, also the fact that a counter case has already been pending, also the fact that the injured person was also discharged from the hospital and also the fact that the aunt of the defacto complainant is not co-operating for investigation, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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 Judicial Magistrate Court, Paramakudi, Ramanathapuram District on condition that the petitioner shall each 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/-
29/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.J.M.HASSANUL BAZARI Advocate SR.No.14359

ORDER
IN
CRL OP(MD) No.12136 of 2019
Date :29/08/2019

TK/JC/SAR.1/04.09.2019/3P/6C