

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

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.12132 of 2019

Elayaraja

... Petitioner/Sole Accused

Vs

State rep.by its,
The Sub Inspector of Police,
Sakkottai Poilce Station,
Sakkottai,
Sivagangai District
Crime No.238/2019.

... Respondent/Complainant

For Petitioner : M/s. P. Mahendran, 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.238 /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 448,
427 and 506(i) of IPC, in Crime No.238 of 2019, seeks anticipatory
bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has been falsely implicated in the
above case. He further submitted that counter case has also been
registered in Crime Number 237 of 2019 under Sections 341, 294 (b),
323 and 506(ii) of IPC and hence, he prayed to grant of anticipatory
bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the
respondent has submitted that the petitioner and the defact
complainant are neighbors and the petitioner cut the teakwood trees

and threatened him with dire consequences. Hence she opposed for granting anticipatory to the petitioner. However she fairly conceded that a counter case has also been registered.

5. Taking into consideration the fact that no one sustained any injury and counter case has also been registered against the defacto complainant in Crime Number 237 of 2019 under Sections 341, 294 (b), 323 and 506(ii) of IPC, 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 District Munsif cum Judicial Magistrate, Karaikudi, 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 weeks 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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/08/2019

/ TRUE COPY /

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

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI

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

3.THE SUB INSPECTOR OF POLICE,
SAKKOTTAI POILCE STATION, SAKKOTTAI,
SIVAGANGAI DISTRICT

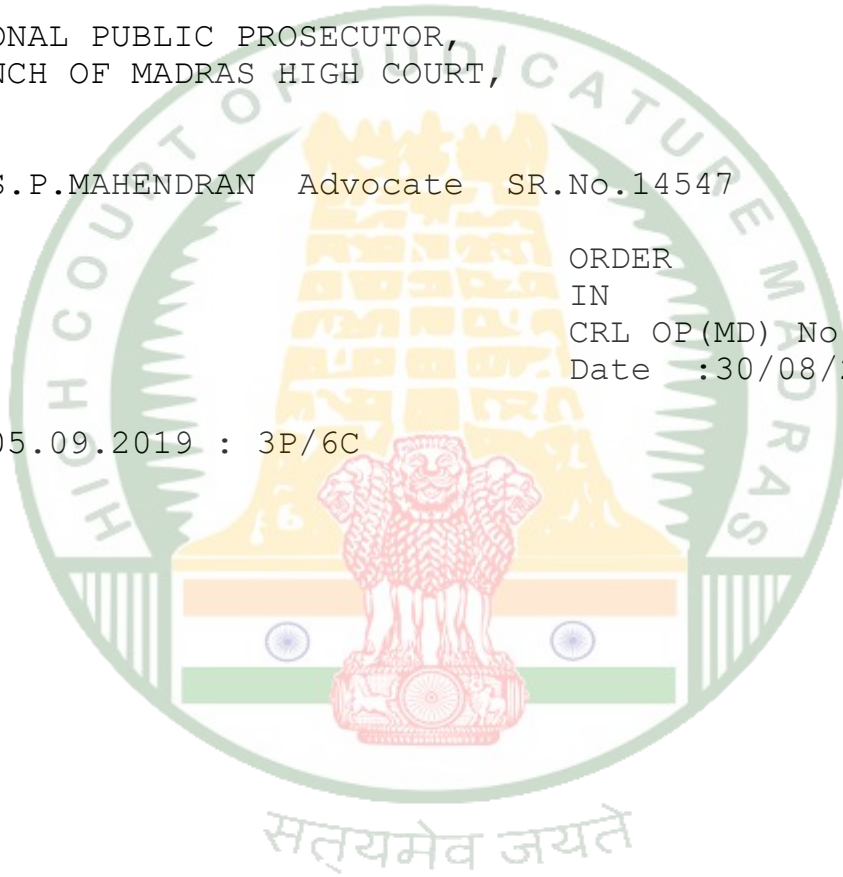
4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.MAHENDRAN Advocate SR.No.14547

ORDER
IN
CRL OP(MD) No.12132 of 2019
Date :30/08/2019

LS

PK/JC/SAR-3/05.09.2019 : 3P/6C



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