



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

Date : 30/01/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1559 of 2020

Mari Ganesh

... Petitioner/Accused No.1

Vs

The State Rep. by its
The Inspector of Police,
Eral Police Station,
Tuticorin District.
(Crime No.4 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.4 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences under sections 294(b), 452, 323, 324 and 506(ii) of I.P.C., in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.



3. The defacto complainant had agreed to lease out the shop in favour of the petitioner herein. Later he decided not to do. Therefore, the occurrence in question had taken place. The petitioner had caused head injury to the victim. The victim was in hospital for about 20 days. The petitioner's earlier petition for anticipatory bail was dismissed by me on 13.01.2020. The petitioner's counsel states that the petitioner is having certain serious medical issues and that his arrest may cause him considerable hardships. The petitioner's counsel on instructions states that the petitioner will take a demand draft for a sum of Rs.20,000/- favouring the victim and enclose the same along with the surrender petition. The Court below shall hand over the same to the victim through the respondent.

4. The petitioner also gives an undertaking that he will file an affidavit of undertaking before the Court below to the effect that he will totally keep off from the victim and that he will not molest him in any manner. If the petitioner comes in contact with the victim, this Court will take a serious view of the matter. Of course, the payment of sum of Rs.20,000/- as compensation and execution of undertaking affidavit will be without prejudice to the petitioner's in the trial and they will not be put against him.

5. Subject to the aforesaid conditions, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Srivaikundam, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
30/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE JUDICIAL MAGISTRATE, SRIVAISKUNDAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAI POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No. 1906

ORDER
IN
CRL OP(MD) No.1559 of 2020
Date :30/01/2020

IAS
TE/VR/SAR-II : 07/02/2020 : 3P/6C