



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/03/2020

WEB COPY

PRESENT

**The Hon'ble MR.Justice RMT.TEEKAA RAMAN**

CRL OP(MD) . No.4522 of 2020

Balachandran

... Petitioner/Accused

**Vs**

The State rep. by  
The Sub-Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.  
(Crime No.44 of 2020)

... Respondent/Complainant

R.A.S.Narayanan

... Petitioner/Intervener  
(in Cr1.MP(MD)No.2925/2020  
in CRL OP(MD)No.4522/2020)

For Petitioner : Mr.P.Subburaj,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Cr1.Side).

For Intervener : Mr.T.S.Mohammed Mohideen, Advocate

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

**PRAYER :-**

for Anticipatory bail in Crime No.44 of 2020 on the file of the respondent police.

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

The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b), 324, 506(ii) and 307 of I.P.C., in Crime No.44 of 2020, on the file of the respondent police, seeks anticipatory bail. Originally the FIR was alleged under Sections 294(b), 324 and 506(ii) of IPC., Later added Section 307 IPC on 10.03.2020.



2. The case of the prosecution is that the accused on 29.02.2020 at about 8.10 p.m., the accused herein damaged irrigation channel by JCP, which was questioned by the de-factor complainant, at the time the petitioner/accused trying to attack with aruval and again on 01.03.2020 at about 7.00 a.m., the petitioner/accused again trying to attack the de-facto complainant with aruval. Hence the present complaint was lodged on 01.03.2020 at 7.00 p.m.

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

4. The learned Government Advocate (Crl. side) appearing for the respondent would submit that it is the 3<sup>rd</sup> attempt on the de-facto complainant. On earlier two attempts, he was escaped and it has been alleged that the accused used aruval and caused a cut injury. Initially, he had taken treatment in City Hospital. Subsequently, as per the Police instructions, he was discharged from the hospital.

5. The De-facto complainant intervened through his counsel and submitted that there is an apprehensive life threat and he also taking treatment for the paralytic attack, said to have been sustained three years before. Since the injured is discharged from the hospital, I am inclined to grant anticipatory bail on condition that he has to surrender before the Police Station.

6. The learned counsel for the petitioner would submit that there is no complaint regarding the said occurrence and again according to the de-facto complainant, the next occurrence took place on 01.03.2020 at about 7.00 a.m. Even thereafter there was no complaint was lodged immediately to the occurrence. But the present complaint lodged only on 19.00 Hrs. (7.00 p.m).

7. Taking note of the facts and circumstances, this Court is 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, Paramakudi 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 on or before 31.03.2020 and he has to appear before the respondent Police Station. It is made clear that, in the event of non furnishing of sureties on or before 02.04.2020, then the respondent Police shall act in accordance with law. The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of three days and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



8.The petitioner shall appear before the concerned Magistrate on or before 02.04.2020, failing which, the petition for anticipatory bail shall stand dismissed. In view of the medical alert announced by the State Government, I am inclined to grant time for furnishing sureties as stated above.

sd/-  
23/03/2020

/ TRUE COPY /

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

**TO**

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,  
EMANESWARAM POLICE STATION,  
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-5669[I] dated  
23/03/2020)

ORDER  
IN  
CRL OP(MD) No.4522 of 2020  
Date :23/03/2020

PKN  
TE/JC/SAR-III : 24/03/2020 : 3P/6C