



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7437 of 2020

Raja Jakkiaya ... Petitioner/Accused Rank not known

Vs

The State rep.by
The Inspector of Police,
Kanvillakku Station, Aundipatti, Kunnur,
Kunnur, Theni
Cr No.Not known.

... Respondent

For Petitioner : M/s.W.Pamelin,
Advocate.

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

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

For Anticipatory Bail in Crime No. 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 punishable under sections 506(i)
and 264 of I.P.C., in Crime No.Not known on the file of the
respondent police, seeks anticipatory bail.

3. The case of the prosecution is that due to family dispute,
the petitioner has instigated his son to threaten the defacto
complainant with dire consequences.

4. The learned counsel appearing for the petitioner would
submit that the petitioner has not committed any offence as alleged
in the charge sheet. He would further submit that due to wordy
<https://hsr.services.courts.gov.in/services/>



quarrel between the petitioner and the defacto complainant a false complaint has been foisted against the petitioner and his son. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (criminal side) would submit that the defacto complainant has treated as outpatient.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has treated as outpatient, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate, Aundipatti, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police an on when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Judicial Magistrate, Aundipatti.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Kanvillakku Station, Aundipatti, Kunnur,
Kunnur, Theni.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7437 of 2020
Date :16/07/2020

KSA
SDS/JC/SAR-3/20.07.2020/3P/5C