



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

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.2118 of 2015

MARIAPPAN

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION, TIRUNELVELI DISTRICT,
CRIME NO.7/2015 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N. SUBASH BABU Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

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

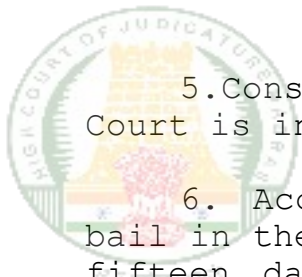
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 326, 506(i) of IPC on the file of the respondent police, seeks anticipatory bail.

2.The Investigating Officer is present in Court.

3.It is the case of the prosecution that the defacto complainant and the petitioner are close relatives and that the petitioner had purchased a motor cycle on loan from a Finance Company. The petitioner has handed over the monthly EMIs, payable to the Finance Company to the defacto complainant. But the defacto complainant had failed to repay the same to the Finance Company. On account of this, a quarrel arose on 06.01.2015. It is the further case of the prosecution that the defacto complainant and the petitioner were drunk on that day. In that quarrel, the petitioner appears to have bitten the ear of the defacto complainant and had caused injuries.

4.The learned Government Advocate (Crl.Side) submits that there are no previous cases against the petitioner and the defacto complainant has been discharged from the hospital.



5. Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory Bail to the petitioner.

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 Judicial Magistrate No.III, Tirunelveli, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily morning at 10.00 a.m for a period of two weeks and thereafter as and 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 Judicial 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 Judicial 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]**.

sd/-

11/02/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3.THE ADDITIONAL PUBLICPROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE

GANGAIKONDAN POLICE STATION, TIRUNELVELI DISTRICT

+1. CC to M/S.N. SUBASH BABU Advocate SR.No.6429

RL/ 6C- 16/2/2015

ORDER

IN

CRL OP(MD) No.2118 of 2015

Date :11/02/2015