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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12378 of 2016

GANESHAN ... PETITIONER/ SOLE ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
CHOCKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO. 104 OF 2016. ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S D.VENKATESH Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(ii) IPC r/w Section 4 of TNPHW Act, in Crime No.104 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner.

3.It is submitted by the learned Government Advocate (Crl.Side) that the injured person had already been discharged from the hospital.

4.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Tenkasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten

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thousand only) with two sureties 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) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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].**

5.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
21/07/2016

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

NBJ
TO
1 THE JUDICIAL MAGISTRATE,TENKASI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,CHOCKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT,

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

+1. CC to M/S D.VENKATESH Advocate SR.No.38997

GJM/ARK/PV/SAR-III-25.7.16-2P-6C

ORDER
IN
CRL OP(MD) No.12378 of 2016
Date :21/07/2016

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