



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

Friday, the Second day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13350 of 2016

KAMARAJ

... PETITIONER/ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
THIRUCHENDUR POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT
(CRIME NO.274 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.PRAGALATHAN Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

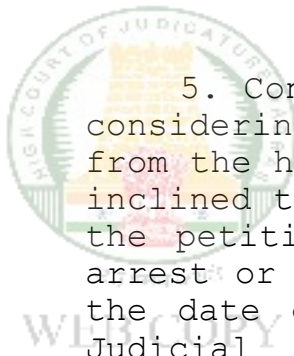
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 307 and 506(ii) of IPC and Sections 3 and 5 of Lottery Regulation Act in Crime No.274 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused attacked the defacto complainant with knife and abused him in filthy language. On complaint case has been registered for the offences 294(b), 307 and 506(ii) of IPC and subsequently, 30 lottery tickets and Rs.66,000/- were recovered from them and thereafter, Section has been altered into 294(b), 307 and 506(ii) of IPC and Sections 3 and 5 of Lottery Regulation Act.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that co-accused have already arrested and enlarged on bail by this Court in Crl.O.P(MD).No.14373 of 2016, dated 10.08.2016.

4. The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital and investigation of the case is pending.



5. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital and co-accused were already enlarged on bail, I am inclined to grant anticipatory bail to the petitioner. 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, Thiruchendur, Thoothukudi District and 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 at 10.00 am and 5.00 pm until further orders.

[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 petitioners 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].

6.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 condition or not.

sd/-

02/09/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,THIRUCHENDUR, THOOTHUKUDI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE
THIRUCHENDUR POLICE STATION, TIRUCHENDUR,
THOOTHUKUDI DISTRICT

+1. CC to M/S N.PRAGALATHAN Advocate SR.No.49505
RL/6C/2P/DB/SARI/7/9/2016

ORDER

IN

CRL OP(MD) No.13350 of 2016

Date :02/09/2016