



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

Wednesday, the Nineteenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19990 of 2016

BALAMURUGAN

... PETITIONER / ACCUSED No.8

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT
(Crime No.262/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.PADMA RAJ Advocate

For Respondent : Mr.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

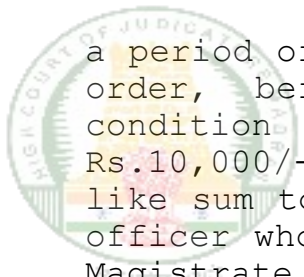
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 342, 294(b), 323, 307 & 506(ii) IPC in Crime No.262 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during Kodai festival, due some dispute arose between the de facto complainant and the petitioner and other accused persons, the petitioner attacked the de facto complainant by using blade.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co accused has already been enlarged on bail.

4.The learned Government Advocate(Crl. Side) would submit that injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital, 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, Nanguneri, 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:

WEB COPY

[a] the petitioner is directed to **stay at Katpadi** and report before the **Katpadi Police Station daily at 10:30 am** for 15 days and thereafter, before the respondent Police 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 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]**.

sd/-
19/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE OFFICE INCHARGER
KATPADI POLICE STATION, KATPADI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.PADMA RAJ Advocate SR.No.61430

JAM/20.10.16/CK/SAR 2/2P-7C

ORDER
IN
CRL OP(MD) No.19990 of 2016
Date :19/10/2016