



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

Tuesday, the Twenty Fifth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20353 of 2016

MURUGESWARI

... PETITIONER /1st ACCUSED

Vs

THE STATE REP BY ITS
THE SUB INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT
CRIME NO. 413 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.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 offence punishable under Sections 294(b) and 323 of IPC and Section 4 of TNPWH Act in Crime No.413 of 2016 on the file of the respondent police, seeks anticipatory bail.

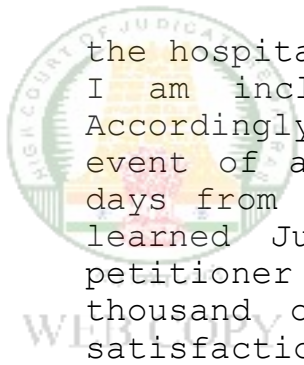
2.Heard the learned counsel on either side.

3.The case of the prosecution is that due to previous enmity, the petitioner attacked the de facto complainant and abused in filthy language and also caused injury.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.side) submitted that injured person has been discharge from the hospital and no previous case is pending against the petitioner.

6.Considering the facts and circumstances of the case and taking note of the fact that injured person has been discharged from



the hospital and no previous case is pending against the petitioner, 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, Paramakudi, 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 initially for a period of one week daily at 10:30 am and thereafter, as and when required.

[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/-

25/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI
 - 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
 - 3 THE SUB INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.63498

ORDER

IN

CRL OP(MD) No.20353 of 2016

Date :25/10/2016