



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

Monday, the Twenty First day of November Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21092 of 2016

K.LAKSHMANAN

... PETITIONERS / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
[CRIME NO.256 OF 2016]

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MOHAMED SHERBUDEEN, Advocate

For Respondent : M/S.S.PRABHA, 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 offence punishable under Sections 341, 294 (b) and 307 IPC in Crime No.256 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st accused was having illicit intimacy with the wife of the de facto complainant and when the same was questioned, the wife of the de facto complainant committed suicide. Due to the same, on 31.10.2016 the de facto complainant went to the house of the 1st accused and questioned the same. Due to which, the petitioner along with other accused attacked him with aruval and caused grievous injuries.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

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

5.Considering the facts and circumstances of the case and also taking note of the fact that injured person has 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 on the condition that he shall appear before the learned Judicial Magistrate No.II, Virudhunagar, 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 10.30 a.m. 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/-

21/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE, SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.MOHAMED SHERBUDEEN, Advocate SR.No.70742.

ORDER IN
CRL OP(MD) No.21092 of 2016
Date :21/11/2016

msm/ss3/sar1/28.11.16/p2/6c