



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

Monday, the Seventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21101 of 2016

NELAMEGAM

... PETITIONER/ACCUSED NO.I

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.317 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

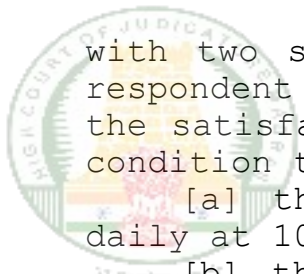
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) of I.P.C., in Crime No.317 of 2016 on the file of the respondent police, seek anticipatory bail.

2. It is submitted by the learned counsel for the petitioners that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioners.

3. The case of the prosecution is that due to previous enmity, on 29.10.2016, the petitioner along with the other accused attacked the de-facto complainant's son Kumar with iron rod and caused injuries and scolded with filthy language.

4. The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital and there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and that the injured 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 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, Ilayankudi, 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 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/-

07/11/2016

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, ILLAYANKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.KANNAN Advocate SR.No.66545

AKV

CSL/PV/SAR-I/14.11.2016: 2P/6C

ORDER
IN
CRL OP(MD) No.21101 of 2016
Date :07/11/2016