



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

Friday, the Eleventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21523 of 2016

ASOK KUMAR

... PETITIONER/ACCUSED NO.3

Vs

STATE REP BY

THE INSPECTOR OF POLICE

ILAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT

(CRIME NO. 280 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.V.KANNAN 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 alleged offence punishable under Sections 294(b), 332, 506(ii) of I.P.C., and Section 4 of T.N.P.W.H. Act and Section 6 of Medical Property Damage Act in Crime No.280 of 2016 on the file of the respondent police, seeks anticipatory bail.

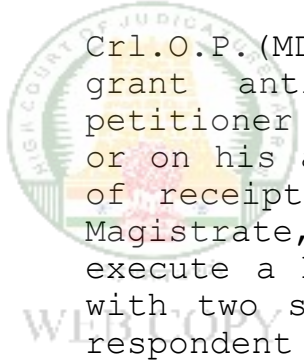
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side).

3. The case of the prosecution is that the de-facto complainant is working as a Staff Nurse in Primary Health Centre at Thayamangalam and on 20.09.2016, at about 5.30 p.m., the petitioner along with three others came to the hospital for taking treatment, at that time, a wordy quarrel arose between the petitioner and the de-facto complainant and the petitioner scolded the de-facto complainant with filthy language and also threatened her.

4. It is submitted by the learned counsel for the petitioner that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl.side) submitted that the co-accused has been granted anticipatory bail by this Court in Crl.O.P. (MD).No.20549 of 2016 dated 26.10.2016.

6. Considering the facts and circumstances of the case and that the co-accused has been granted anticipatory bail by this Court in



CrI.O.P.(MD).No.20549 of 2016, dated 26.10.2016, 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/-

11/11/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S.V.KANNAN Advocate SR.No.68357
RL/6C/2P/KP/SAR3/24.11.2016

ORDER

IN

CRL OP(MD) No.21523 of 2016

Date :11/11/2016