



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

Thursday, the Seventeenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21536 of 2016

PARASIVAN @ PARASURAMAN

... PETITIONER /SOLE ACCUSED

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO.74/2016

... RESPONDENT / COMPLAINANT

For Petitioner : MR.LAKSHMI GOPINATHAN, Advocate for
M/S.POLEX LEGAL SOLUTIONS Advocate

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

For Intervener : MR.G.THALAIMUTHARASU, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323 and 506(i) IPC and Section 4 of TNPHW Act in Crime No.74 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that due to wordy quarrel, the petitioner is alleged to have abused the defacto complainant and also attacked her with stick, which resulted in registration of the case.

4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case.

5. Learned Government Advocate (Crl.Side) submitted that the injured has been discharged from the hospital.



6. Considering the facts and circumstances of the case and taking note of the fact that injured has been discharged from the hospital, this Court is of the view that custodial interrogation of this petitioner is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Kovilpatti, subject to the following conditions:**

(i) 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 Magistrate concerned;

(ii) the petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.74 of 2016 before the learned Judicial Magistrate No.II, Kovilpatti within two weeks from the date on which a copy of this order is made ready and on such deposit, the same shall be paid to the defacto complainant;

(iii) **the petitioner shall appear before the concerned jurisdictional Court weekly once, i.e., on the 1st working day of the week at 10.30 a.m. until further orders and as and when required before the respondent police for interrogation;**

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

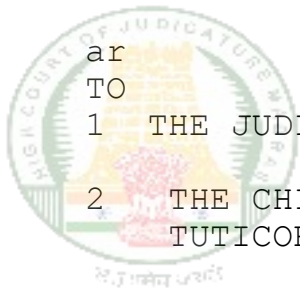
(v) the petitioner shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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/-
17/11/2016

/ TRUE COPY /

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



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TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI

2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE SUB INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.POLEX LEGAL SOLUTIONS Advocate SR.No.69945

CSL/MPA/SAR(Judl)-21.11.16-3p-6C

ORDER

IN

CRL OP(MD) No.21536 of 2016

Date :17/11/2016