



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.21794 of 2016

MARIMUTHU

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.1300 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.PRABHU RAJADURAI Advocate

For Respondent : M/s.S.PRABHA, Government 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 323, 506 (ii) and 294(b) IPC in Crime No.1300 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's wife was running a milk booth and on 12.11.2016, after purchasing milk, the de facto complainant gave old five hundred currency and when the same was refused by the wife of the petitioner, a wordy quarrel arose between them and that the petitioner attacked and abused the de facto complainant.

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.

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 in the event of arrest or on his appearance, within a period of 15 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi, 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/-

17/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,THOOTHUKUDI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.G.PRABHU RAJADURAI Advocate SR.No.70232

ORDER IN

CRL OP(MD) No.21794 of 2016

Date :17/11/2016

PBK/SS-3/SAR-III 24/11/2016 ::2P-6C: