

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of December Two Thousand

Seventeen

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.29783 of 2017

MARI @ MARIMUTHU,

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

INSPECTOR OF POLICE,
KANDAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.NOT KNOWN OF 2017.

For Petitioner : M/S.R.RAMESH Advocate

For Respondent : MR.R. SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioner is arrayed as accused in Crime No.804/2017 on the file of the respondent police. He apprehend arrest at the hands of the respondent police for the alleged offences u/s.294 (b), 323, 324, and 506(i) IPC and he has filed this petition, seeking grant of anticipatory bail.

3.The alleged occurrence was happened between the mother and the son i.e., the defacto complainant and the petitioner. The case of the prosecution is that there was some civil dispute between the defacto complainant and the petitioner, the while so, on the date of occurrence, the petitioner picked up quarrel with the complainant and abused the complainant with filthy language and assaulted and caused injuries to the complainant and in addition to that he threatened her with dire consequences.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate submitted that investigation is not yet completed. According to him, the injured was discharged from hospital.

6. Considering the submissions of both sides, it seems that the occurrence was happened due to the wordy quarrel between the petitioner and the defacto complainant. However, the learned Government Advocate represented that the person who sustained injuries during the time of occurrence was discharged from the hospital after completing treatment.

7. Taking all the above said aspects into consideration, and having regard to the nature of offence, this Court come to the conclusion that in order to complete investigation, custodial interrogation is not necessary, accordingly this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate, No.1, Villupuram, on or before 11-01-2018, failing which the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, No.1, Villupuram.

(iii) The petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of two weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigation officer.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled, and 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/-
28/12/2017

This order, on being produced, be punctually observed and
carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY,
INSPECTOR OF POLICE, KANDAMANGALAM POLICE
STATION, VILLUPURAM DISTRICT. CR.NO.NOT
KNOWN OF 2017.

+1 CC to M/S.R.RAMESH Advocate on payment of necessary
charges Sr.No.23378

CRL OP.29783/2017

Date :28/12/2017

MD: 29/12/2017