



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

Friday, the Twentieth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13998 of 2017

KALKANDU ALIAS JEBARAJ

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT ,
CR NO. 148/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.M.MANIVELPANDIAN, Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

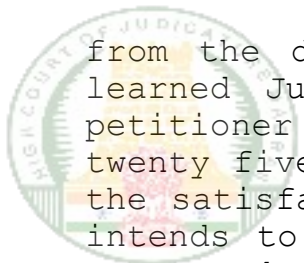
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 342, 323, 506(ii) I.P.C., in Crime No.148 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant questioned the supply of agriculture sand on 10.10.2017, due to which the petitioner abused and attacked the defacto complainant and caused simple injuries.

3.The learned counsel for the petitioner would submit that the defacto complainant quarreled with the petitioner. The wordy quarrel has been converted into criminal case by the defacto complainant to revenge the petitioner falsely. He further submitted that the defacto complainant was treated as out-patient in the hospital as per prosecution.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that the injured discharged from the hospital and investigation is pending in this case.

5.Considering the facts and circumstances of the case and also considering the fact that the injured discharged from the hospital, ~~Services are provided~~ 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 on which the order copy is made ready, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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:

WEB COPY [a] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[d]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) the petitioner shall not commit any offence while on bail;

(e) 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/-

20/10/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN

3 THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT

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

+1. CC to Mr.T.A.EBENEZER Advocate SR.No.32943

JAM/24.10.17/RR-BS/SAR 1 / 2P-6C