



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

Monday, the Seventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10241 of 2017

KASINATHAN

... PETITIONER / ACCUSED NO.8

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
KEELATHUVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.58 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

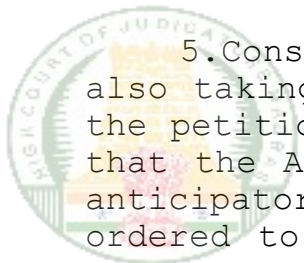
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 294 (b) and 506(i) of IPC in Crime No.58 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel arose between the de facto complainant and the accused. The accused are said to have abused the de facto complainant in filthy language and also threatened him with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner did not participate in the alleged occurrence and he was at Chennai during the occurrence. He also submitted that the petitioner was falsely implicated, based upon the confession statement of the 1st accused.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instructions would submit that that there are totally 2 named accused and 15 others are involved in this case and the petitioner herein is arrayed as A8. He further submitted that A1 was arrested and released on bail by the concerned Sessions Court and the other accused are still absconding and the investigation is still pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that no one sustained injury and that the petitioner was implicated only as per the confession of A1 and that the A1 was already released on bail, 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 on which the order copy is made ready, before the learned Judicial Magistrate, Muthukulathur 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. for a period of three weeks and thereafter, as and when required for interrogation.

[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/-

07/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
KEELATHUVAL POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.28446

ORDER IN

CRL OP(MD) No.10241 of 2017

Date :07/08/2017