



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

Friday, the Eighteenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10825 of 2017

BL.MURUGESAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
POOLANKURICHI POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO. 29 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.KANNAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

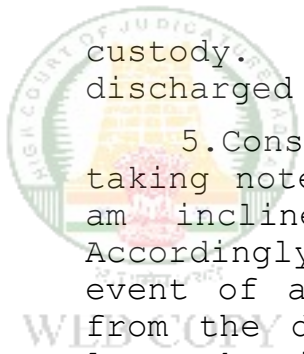
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 506(ii), 323, 353 & 307 of IPC in Crime No.29 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the second accused has driven the tractor bearing the registration No.TN 55 AQ 9663 loaded with raw materials without having valid driving licence. The first accused is the owner of the said vehicle. When the respondent Police intercepted the said vehicle, the first accused is said to have abused in filthy language and pushed on the chest of de facto complainant and caused injured to 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. He further submitted that the petitioner does not have any connection or any link with the alleged occurrence whereas, the de facto complainant being the Sub Inspector of Police, misused his official power by way of registering the case against the petitioner. He also submitted that the petitioner was attacked by the de facto complainant, however, the present case was registered against him.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 5 accused and the petitioner herein is arrayed as A1 in this case and remaining accused were arrested and they are in judicial



custody. He further submitted that injured person has been discharged from the hospital and investigation is still pending.

5. Considering the facts and circumstances of the case and also taking note of the fact that injured person has been discharged, 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 District Munsif Cum Judicial Magistrate, Thiruppathur, Sivagangai District 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 learned District Munsif Cum Judicial Magistrate, Thiruppathur, Sivagangai District 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/-

18/08/2017

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
POOLANKURICHI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.KANNAN Advocate SR.No.28946

ORDER

IN

CRL OP(MD) No.10825 of 2017

Date :18/08/2017