



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

Tuesday, the Fifth day of September Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.11726 of 2017

WEB COPY

KOOL @ THIRUCHENDIRAN

... PETITIONER/ACCUSED NO.8

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.498 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.I.SHALINI 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 is arrayed as A8, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 323 and 307 of I.P.C, on the file of the respondent Police in Crime No.498 of 2017, seeks anticipatory bail.

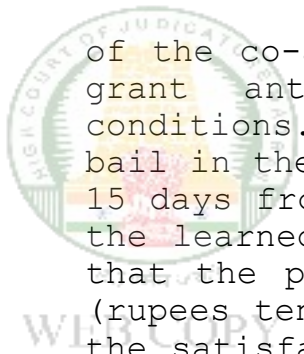
2.The case of the prosecution is that due to previous dispute, the petitioner along with other accused attacked the defacto complainant and one Gobinath and caused injury.

3.The learned counsel for the petitioner states that the present case is totally a false and fabricated one and the petitioner was not presented on the spot and the petitioner has not committed any offence as alleged by the prosecution. The petitioner further submits that the accused namely Suriya and Manojkumar were arrested and released on bail on 10.08.2017 in Crl.M.P.No.1937 of 2017 by the learned District and Sessions Judge, Ramanathapuram and another one accused namely Balamurugan was released on bail on 11.08.2017 in Crl.M.P.No.1945 of 2017 by learned Judicial Magistrate, Mudukulathur and accused Boobalan was granted Anticipatory Bail by this Court as per order in Crime No.10852 of 2017 dated 22.08.2017.

4.The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that there are totally 9 named accused in this case. The petitioner herein is arrayed as A8 in this case. The specific overt act attributed against the petitioner is that he along with other accused pushed the defacto complainant and the injured was discharged from the hospital and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also the fact that injured was discharged in the hospital and the release



of the co-accused by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner/A8 with certain conditions. 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 No.II, Ramanathapuram, 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/-

05/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.I.SHALINI Advocate SR.No.30105

ORDER

IN

CRL OP(MD) No.11726 of 2017

Date :05/09/2017