



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

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12716 of 2017

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ANTHONY @ ANTHONY SAMY

... PETITIONER/ACCUSED (A2)

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.703/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MOORTHY Advocate

For Respondent : MR.J.MOHAN, Additional Public Prosecutor.

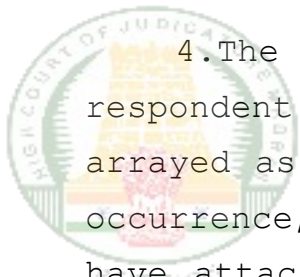
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 294(b), 323, 307 & 506(ii) IPC in Crime No.703 of 2017 son the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to some dispute, the petitioner along with other accused stabbed the injured with knife and caused grievous injuries.

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 de facto complainant and the petitioners are residing in the same area and due to previous enmity between them, on the date of occurrence, a wordy quarrel arose and hence, the present complaint has been preferred against the petitioner and others.



4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the petitioner is arrayed as A2 in this case, who is the father of A1 and during the occurrence, on the instigation of this petitioner, A1 is said to have attacked the injured with knife and caused injuries. He also submitted that injured was discharged from the hospital on 02.09.2017 and earlier anticipatory bail petition was dismissed by this Court on 13.09.2017 in CrI.O.P.(MD)No.12040 of 2017 in respect of the petitioner herein. He further submitted that investigation is almost completed, injured was discharged from the hospital and awaiting for wound certificate.

5.Considering the facts and circumstances of the case and also taking note of the fact that investigation is almost completed and injured was discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner.

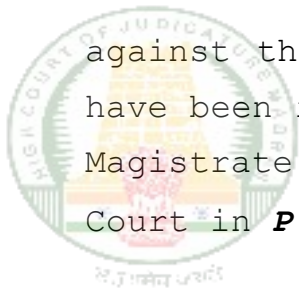
Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Thoothukudi, on condition that the petitioner shall execute a bond for 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 stay at Kovilpatti and report before the concerned Judicial Magistrate 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)**.

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sd/-
05/10/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, KOVILPATTI.
- 2 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
- 3 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 4 THE INSPECTOR OF POLICE
SOUTH POLICE STATION, THOOTHUKUDI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MOORTHY Advocate SR.No.32285

ORDER
IN
CRL OP(MD) No.12716 of 2017
Date :05/10/2017

PK/RR-BS/SAR-4/10.10.2017 : 3P/7C