



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

Wednesday, the Eighth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1281 of 2017

V.PARTHIBAN

... PETITIONER/ACCUSED (RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
ELANCHAMBUR POLICE STATION,
RAMNATHAPURAM DISTRICT,
(CRIME NO.72/2016)

... RESPONDENT/COMPLAINANT

For Petitioner :M/S.PORKODI KANNAN Advocate

For Respondent :M/S.P.KANDASAMY
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

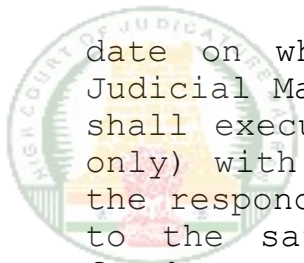
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 506(ii) and 302 IPC in Crime No.72 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused, attacked the de facto complainant with stick and also abused in filthy language and caused injury and thereafter, the injured died in the hospital.

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 based on the confession given by the coaccused, this petitioner is arrayed as accused.

4.The learned Government Advocate (Crl.side) submitted that totally there are one named and 7 unnamed accused and the petitioner is arrayed as A20 in this case and A6, A9, and A19 were arrested and enlarged on bail and A11, A21 and A22 are juvenile and they were also enlarged on bail and charge sheet has been filed in P.R.No.3 of 2017 before the Judicial Magistrate, Mudukulathore.

5.Considering the facts and circumstances of the case and also taking note of the fact that co accused were enlarged 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, Mudukulathore, 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 Judicial Magistrate, Kamuthi 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/-

08/02/2017

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
MUDUKULATHORE,
RAMANATHAPURAM DISTRICT.
- 2.THE JUDICIAL MAGISTRATE,
KAMUTHI.
- 3.THE INSPECTOR OF POLICE
ELANCHAMBUR POLICE STATION,
RAMNAD DISTRICT,
- 4.THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.6969

nbj

AE/RSK/10.02.2017/2p/7c

ORDER

IN

CRL OP(MD) No.1281 of 2017

Date :08/02/2017