



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.12951 of 2017

MURUGESAN

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH

THE SUB INSPECTOR OF POLICE,

ERAL POLICE STATION, THOOTHUKUDI DISTRICT.

(CR.NO.294/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.LAKSHMI GOPINATHAN FOR

M/S.POLEX LEGAL SOLUTIONS Advocate

For Respondent : Mr.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

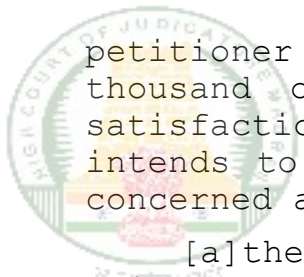
The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294 (b), 323, 506(ii) of I.P.C., in Crime No.294 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel between the petitioner and the defacto complainant, the petitioner abused the defacto complainant with filthy language and attacked the defacto complainant with stick and also threatened the defacto 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. Further he submitted that the petitioner did not involve in any occurrence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail at 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, Srivaikundam 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 one week.

[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/-
28/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN

3 THE SUB INSPECTOR OF POLICE,
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.POLEX LEGAL SOLUTIONS Advocate SR.No.32018

JAM/04.10.17/RR-BS/SAR 1 / 2P-6C

ORDER
IN
CRL OP(MD) No.12951 of 2017
Date :28/09/2017