



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

Friday, the Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13526 of 2017

O.HOMERLAL

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.180/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

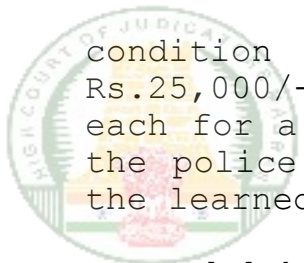
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 307 and 506(ii) of IPC in Crime No.180 of 2014 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de facto complainant are practising Advocates and a wordy quarrel arose in between them in the Bar Association thereby the de facto complainant made a complaint against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case. He further submitted that the petitioner did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that the investigation is still pending.

5.Having regard to the nature of allegation levelled against the petitioner and considering the submissions made by the learned Government Advocate (Crl.side), 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 II, Nagercoil on



condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (rupees twenty five 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 as and when required for interrogation.

[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) the petitioner shall not commit any offence while on bail;

[e]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/-

06/10/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT

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

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.32204

ORDER

IN

CRL OP(MD) No.13526 of 2017

Date :06/10/2017

SMA/PM-PN/SAR-4/11.10.2017:2P/6C