



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.5376 of 2017

CHARLES @ CHARLEES

... PETITIONER/1st ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.134/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

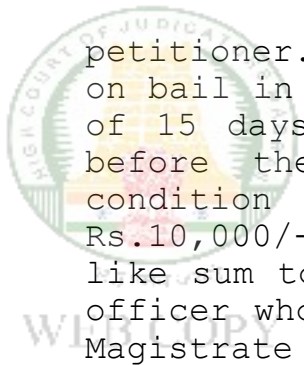
The petitioner / A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.134 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de facto complainant are neighbours and due to some dispute, the petitioner along with other accused abused the de facto complainant in filthy language and also attacked him with iron rod and thereby caused injury.

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 also submitted that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) submitted that totally there are two accused and the petitioner is arrayed as A1 in this case. She also submitted that A2 was arrested and enlarged on bail. She further submitted that injured was discharged from the hospital and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that injured person 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.II, Kuzhithurai, 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/-
28/04/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.21654

NBJ
GJM/BS/SAR-IV/03.05.2017 : 2P/6C

ORDER
IN
CRL OP (MD) No.5376 of 2017
Date : 28/04/2017