



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

CRL OP(MD) No.5621 of 2017

SUNDAR RAJ

... PETITIONER / ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.155 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.THIRUMAL Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

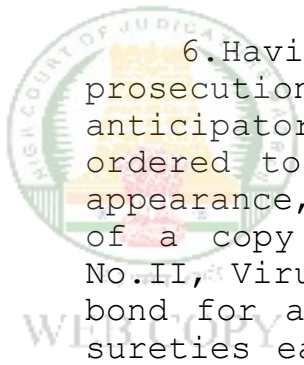
The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(i) IPC r/w Section 4 of TNPHW Act, 2002, in Crime No.155 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) appearing for the State.

3.According to the prosecution, the petitioner's dog attacked the defacto complainant and caused injury.

4.The learned counsel for the petitioner submitted that on the date of occurrence, the defacto complainant in a drunken mood quarrelled with the petitioner and his family members and their neighbours and they have also lodged a complaint against the defacto complainant and it has been registered in Crime No.156 of 2017 and in order to escape from the case registered in Crime No.156 of 2017, the present complaint is registered in Crime No.155 of 2017 for the alleged offence and the petitioners have been falsely implicated in this case and that anticipatory bail may be granted to the petitioner.

5.The learned Government Advocate (Criminal Side) would submit that it is a case and case in counter.



6. Having regard to the fact that the petitioner and the prosecution parties are neighbours, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. II, Virudhunagar 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 two weeks and thereafter 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] 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/-

04/05/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.V.THIRUMAL Advocate SR.No.21864

JAM/05.05.17/BS/SAR 4 / 2P-6C