



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

Friday, the Fourteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8941 of 2017

S.SURESHKUMAR

... PETITIONER / ACCUSED No.6

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
IN CR.NO.278/2017,
THOOTHUKUDI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHALRAJ Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

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

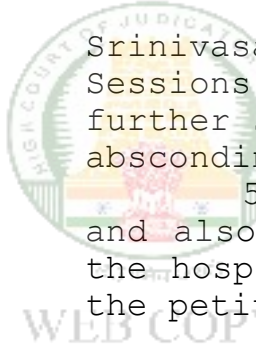
ORDER : The Court Made the following order :-

The petitioner/A6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,307,325 and 326 of I.P.C, in Crime No. 278 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between A1 and the de facto complainant, the petitioner along with other accused attacked the de facto complaint with aruval and wooden log and thereby caused grievous injuries.

3.The learned counsel appearing for the petitioner states that the petitioner herein is an innocent person and unnamed accused. He further submitted that only from the confession of A1, the petitioner is arrayed as A6 in this case.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally six accused in this case, the petitioner herein is arrayed as A6. The petitioner along with other accused said to have attacked with stick to the body of the de facto complainant and the injured was discharged from the hospital and the investigation is still pending. He further submitted that an FIR was registered against one named accused, who is arrayed as A1 in this case and on the basis of A1 confession, the remaining accused are implicated in this case. A1-Krishnan was arrested and released on bail by this Court and A2-Muthukumar was also arrested and released on bail by this Court, as per order in CrI.OP(MD).No.7920 of 2017, dated 04.07.2017 and



Srinivasan-A5 was arrested and released on bail by the concerned Sessions Court in CrI.M.P.No.1941 of 2017, dated 03.07.2017. He further submitted that accused, namely, Kathirvel and Nagarajan were absconding.

5. Considering the above facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District 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 concerned Magistrate 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 Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

14/07/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1. CC to Mr.S.MUTHALRAJ Advocate SR.No.26752

JAM/18.07.17/CM-MSA/SAR 1/ 2P-6C

ORDER

IN

CRL OP(MD) No.8941 of 2017

Date :14/07/2017