



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

Monday, the Thirty First day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.9415 of 2017

SURESH KUMAR

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO. 103 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.KARNUANIDHI 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 :-

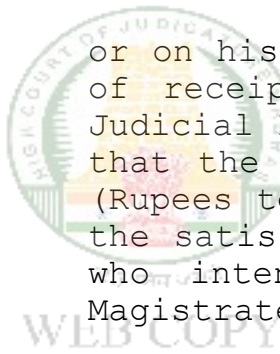
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(B), 323, 324 and 506(II) IPC, in Crime No.103 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.07.2017, one Mariyappan (A1) and others have beaten the defacto complainant and abused him in filthy language and caused simple injury.

3.The learned counsel for the petitioner submitted that based on the confession given by the first accused, the petitioner has been implicated in this case and his name is not found in the First Information Report.

4.The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Vilathikulam, Tuticorin District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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/-

31/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VILATHIKULAM, TUTICORIN DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 3 THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KARNUANIDHI Advocate SR.No.27624

MJ/KM

CSL/RR-BS/SAR-I/03.08.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.9415 of 2017

Date : 31/07/2017