



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1040 of 2018

PRABU,

... PETITIONERS/ACCUSED SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT
IN CRIME NO.25 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.BABU Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

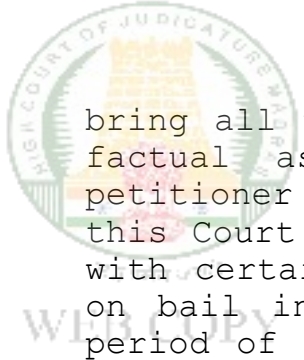
The petitioner / sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 336, 506(ii) I.P.C., in Crime No.25 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/ accused has abused the de facto complainant by using filthy languages and also criminally intimidated.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) submitted that investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner along with other accused way-laid the defacto complainant and assaulted him by using Aruval and stone. As a result of which, the property worth about Rs.80,000/- was damaged. The petitioner herein is arrayed as the first accused, who alone



bring all the accused to the scene of occurrence. Considering the factual aspects of the case, custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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, Periyakulam, 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 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 deposit a sum of Rs.80,000/-, to the credit of Crime No. 25 of 2018 on the file of the learned Judicial Magistrate, Periyakulam and thereafter the learned Magistrate shall accept the sureties

(ii) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
25/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION, THENI DISTRICT

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

+1. CC to M/S.N.BABU Advocate SR.No.1565

ORDER

IN

CRL OP(MD) No.1040 of 2018

Date :25/01/2018

SMA/CM-VR/SAR-2/31.01.2018:3P/6c