



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1043 of 2018

BALACHANDRAN,

... PETITIONER/ACCUSED NO.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION,
THUVAKUDI, TRICHY DISTRICT.
CRIME NO.8 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KARTHICK SUBRAMANIAN Advocate

For Respondent : MR.A.ROBISON Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

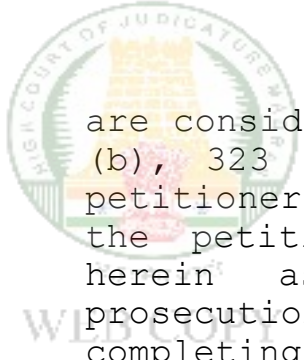
The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 & 506(i) I.P.C., in Crime No.8 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that one Raja, gave a complaint stating that on 15.01.2018 near the garden of the defacto complainant, the petitioner and two others scolded the defacto complainant with filthy language, attacked him and threatened him with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police.

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

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the injured discharged from hospital. According to him, investigation is not completed.

5.The submissions made by the learned counsel on either side



are considered, it disclose that the offences under Sections 294 (b), 323 & 506(i) of I.P.C., has been registered against the petitioner. It is alleged that due to the wordy quarrel between the petitioners and the defacto complainant, the petitioner herein assaulted the defacto complainant. According to prosecution, injured has been discharged from the hospital after completing the treatment. Apart from that, except 506(i) I.P.C., all other petition mentioned offences are bailable in nature. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, for the reasons stated above, 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 Court No.VI, Trichy District, 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 report before the respondent Police daily at 10.00 a.m. for a period of three weeks, thereafter, 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 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/-
23/01/2018

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



smi/msa
TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION, THUVAKUDI, TRICHY DISTRICT.

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

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.1180

GJM/CM/VR/SAR-2-30.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.1043 of 2018

Date :23/01/2018