



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1136 of 2018

SALMAN @ SHALU @ MOHAMED IBRAHIM ... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
THILLAINAGAR POLICE STATION, TRICHY DISTRICT.
(CRIME NO.836 OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM 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 :-

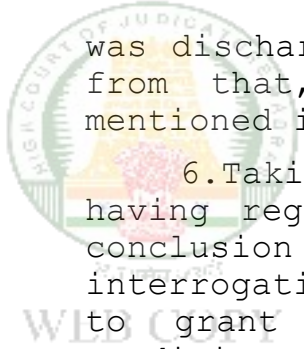
The petitioner who is arrayed as sole accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of IPC., in Crime No.836 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.12.2017 the petitioner assaulted the defacto complainant with bottle and abused with filthy language and also threatened 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 further submitted that the petitioner has not committed any offence as alleged by the prosecution and originally the defacto complainant and others assaulted the petitioner, and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl. Side) submitted that investigation is still pending. According to him, the injured was discharged from the hospital.

5.Considering the submissions made on either side, it seems that the occurrence was happened due to a wordy quarrel. However, submissions made by the learned Government Advocate (Criminal Side) that the person, who sustained injuries at the time of occurrence,



was discharged from the hospital after completing treatment. Apart from that, except Section 506 (ii) IPC., the other offences mentioned in the petition are bailable in nature.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, 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 No.IV, Trichy, 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 and 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/-

24/01/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY



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

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

WEB COPY

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.1417

JAM/31/01/2018/CM-VR/ SAR 3/ 3P-6C

ORDER

IN

CRL OP (MD) No.1136 of 2018

Date :24/01/2018