



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1181 of 2018

DIVAKARAN,

... PETITIONER/ACCUSED NO.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO.48 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JOTHIBASU Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 336, 506(ii) I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act 2002, in Crime No.48 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to the dispute with regard to watching the movie in the Cineme Threatre Hall, the petitioner/A5 and other accused have assaulted the defacto complainant, his mother and his friends with cricket stick and stones. Due to the incident, the defacto complainant, his mother and friends have sustained injuries. So, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that A1 in this case was arrested and remanded to Judicial Custody. The petitioner herein is arrayed as A5. He further submitted that petitioner is an innocent person, he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally five accused in this case. The petitioner is arrayed as A5 herein. He further submitted that injured has been discharged from the hospital. According to him investigation is not completed.

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5. The submissions made by the learned counsel on either side are considered. As of now, those persons, who sustained injuries have been discharged from the hospital after completing the treatment. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. 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. I, Virudhunagar, 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/-
25/01/2018

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TO

1 THE JUDICIAL MAGISTRATE NOI, VIRUDHUNAGAR

2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.3 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHIBASU Advocate SR.No.1421

ORDER

IN

CRL OP(MD) No.1181 of 2018

Date :25/01/2018

ia/msa

SMA/CM/VR/SAR-1-5.2.18-3P-6C