



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1231 of 2018

N.ASAIYAN,

... PETITIONER/ACCUSED No.2

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
THALLAKULAM (CRIME) POLICE STATION,
MADURAI CITY.
(CRIME NO.1881/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MANIKANDAN Advocate

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

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

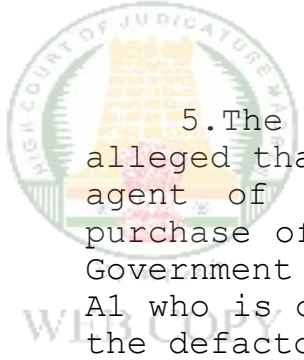
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused No.2, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 417, 418, 419 and 420 of IPC., in Crime No.1881 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner assaulted the defacto complainant without any reasons. Hence, the complaint was lodged before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he had been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and this petitioner is helping the defacto complainant in purchasing the AC from the Accused No.1 and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl. Side) submitted that the investigation is still pending. He further submit that the petitioner helped the defacto complainant being an agent of accused NO.1 for purchasing the AC machine from the Accused No.1. But, the Accused No.1 neither repaid the amount nor handed over the machine to the defacto complainant.



5. The submissions made by either side are considered. It is alleged that during the time of occurrence, the petitioner being an agent of first accused helped the defacto complainant for the purchase of AC machine. As per the submissions made by the learned Government Advocate (Crl. Side) the allegation is only against the A1 who is only refused to provide AC after receiving the amount from the defacto complainant.

6. Taking 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 may 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, Madurai, 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/-
29/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
THALLAKULAM (CRIME) POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.P.MANIKANDAN Advocate SR.No.1588

ORDER

IN

CRL OP(MD) No.1231 of 2018

Date :29/01/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/6c