



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.124 of 2018

S.AROCKIASAMY @ SELVAM, ... PETITIONER / ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
VIRALIMALAI POLICE STATION,  
PUDUKKOTTAI DISTRICT.  
IN CRIME NO.378 OF 2017. ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.SHANMUGASUNDARAM Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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 offence punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.378 of 2017, on the file of the respondent police, seeks anticipatory bail.

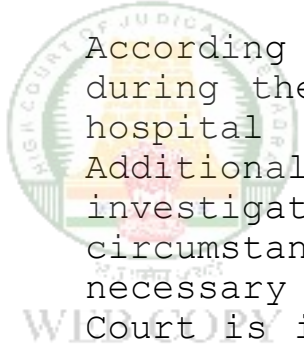
2. The case of the prosecution is that on 30.12.2017, due to previous enmity, there was a wordy quarrel arose between the petitioner and the defacto complainant, as a result of which, the petitioner assaulted the defacto complainant and caused injuries. Based on the complaint, case has been registered for the above said offences.

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

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital the investigation is

<https://hcservices.courts.gov.in/hcservices/>

5. The submissions made by either side are considered.



According to the prosecution, the person who sustained injury during the time of alleged occurrence is discharged from the hospital after completing treatment. Further the learned Additional Public Prosecutor would submit that part of the investigation is completed. Considering the facts and circumstances of the case, custodial interrogation is not necessary for completing the investigation. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Hence, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate, Keeranur, Pudukkottai 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 investigation officer, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;

(iv) On breach of any of the aforesaid conditions, 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/-  
05/01/2018

/ TRUE COPY /

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



PJL  
TO

1 THE JUDICIAL MAGISTRATE  
KEERANUR, PUDUKKOTTAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
PUDUKKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE,  
VIRALIMALAI POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.C.SHANMUGASUNDARAM Advocate SR.No.287

GJM/CM/VR/SAR-2-9.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.124 of 2018

Date :05/01/2018