



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1472 of 2018

MANIKANDAN

... PETITIONER/ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT
(CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH 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/accused, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 324, and 506(ii) I.P.C., in Crime No.18 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have questioned the petitioner that why he was making roomer about him to his relatives, the petitioner has entered into quarrel with the defacto complainant, assaulted the defacto complainant and cause injuries. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that in fact the defacto complainant assaulted the petitioner and caused severe head injury, thereby, the petitioner admitted in the Meenakshi Mission Hospital, Madurai. Due to the said act, the case was registered in Crime No.19 of 2018 and it was a case of case in counter. He further submitted that the petitioner is an innocent person, he has been falsely implicated in this case and he has not involved in the alleged occurrence. Hence he prays for anticipatory bail.

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

4.The learned Government Advocate (Crl.side) appearing for the



respondent police submitted that the defacto complainant, who sustained injury during the time of alleged occurrence has been discharged from the hospital. According to him, investigation is still pending.

5. Upon considering the arguments advanced by either side, it disclose that the defacto complainant, who sustained injuries has been discharged from the hospital after completing the treatment. Apart from that, except 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. It was a case of case in counter. 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 No.I, Kamuthi, 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 after discharging from the hospital 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/-
31/01/2018

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



1 THE JUDICIAL MAGISTRATE NO.I, KAMUTHI

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.1806

ORDER
IN
CRL OP(MD) No.1472 of 2018
Date :31/01/2018

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