



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

Friday, the Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1637 of 2018

THIRUMALAIKKANNAN,

... PETITIONER/ACCUSED No.6

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ERVADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.71/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.RAJESHWARAN 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/A6, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 341 and 324 of IPC., and Section 3 of TNPPDL Act, 1992, in Crime No.71 of 2017, seeks anticipatory bail.

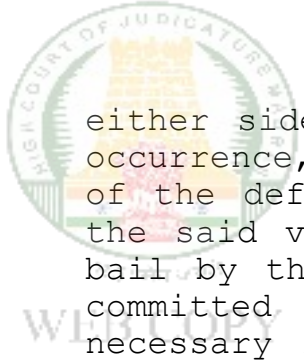
2. The case of the prosecution is that while the defacto complainant drove his Van in a rash and negligent manner and dashed against a child, the petitioner and other accused assaulted the defacto complainant and damaged the vehicle. Hence, the case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the totally there are six accused in this case and the petitioner is arrayed as A6. He further added that the co-accused were released on bail by the Sessions Court. According to the prosecution, the investigation is in progress.

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

5. The submissions made by the learned counsel appearing on



either side are considered. It is alleged that during the time of occurrence, the petitioner and other 5 accused damaged the vehicle of the defacto complainant, since a child met with an accident by the said vehicle. The other accused in this case were released on bail by the District Court. So, considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, 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 No.II, Ramanathapuram, 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 10.30 a.m., for a period of one month 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 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/-
02/02/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM

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

2 THE JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE,
ERVADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.1906

ORDER

IN

CRL OP (MD) No.1637 of 2018

Date :02/02/2018

SMA/RR-CSL/SAR-4/12.02.2018:3P/6c