



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1757 of 2018

S.SURESH BABU

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUVENKATAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.3 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.BANUPRASATH 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 :-

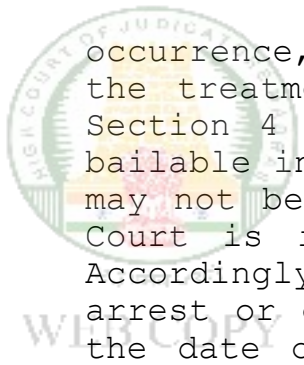
The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.3 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to the previous enmity, the petitioner/A1 along with A2 assaulted the defacto complainant, abused in filthy language and threatened her with dire consequences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the person who sustained injury during the time of occurrence, has been discharged from the hospital. According to him, investigation is still pending.

5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner/A1 along with another accused assaulted the defacto complainant, due to which the defacto complainant sustained injuries. According to prosecution, the person who sustained injury, during the time of



occurrence, has been discharged from the hospital after completing the treatment. Further except the offence U/s.506(ii) I.P.C., and Section 4 of TNPHW Act, all other petition mentioned offences are bailable in nature. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioner. 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, Sankarankovil, 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, 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/-
06/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVENKATAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.BANUPRASATH Advocate SR.No.2057

ORDER IN
CRL OP(MD) No.1757 of 2018
Date :06/02/2018