



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.1800 of 2018

KARUPPASAMY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NALLATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.303/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

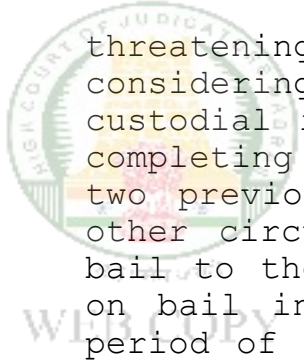
The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 387 and 506(ii) I.P.C., in Crime No.303 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.12.2017, when the defacto complainant standing nearby Kalugumalai bus stop, the petitioner had demanded the money from the defacto complainant by threatening with Arulval and scolded him with filthy language.Hence, this case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that 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 petitioner is a sole accused in this case. At the time of occurrence, the petitioner threatened the defacto complaint by using aruval and demanded to give the money. There are two previous cases are pending against this petitioner. 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 herein threatened the defacto complainant by using Aruval. After made



threatening, he ran away from the scene of occurrence. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. Even though, the petitioner is having two previous cases, considering the gravity of earlier cases and other circumstances, 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, I, Kovilpatti, 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 until further orders.

(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 NO.I, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NALLATTINPUDUR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.PRABU Advocate SR.No.1990

ORDER IN

CRL OP(MD) No.1800 of 2018

Date :06/02/2018