



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.186 of 2018

PALANIVEL

... PETITIONER / A-3

Vs

THE STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION,
THENI DISTRICT
(CR.NO.306 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.K.MANICKAM Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

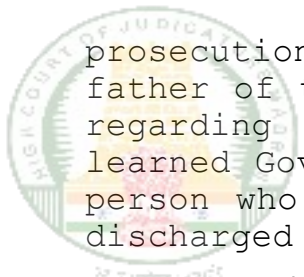
The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 324 and 307 of IPC, in Crime No.306 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons assaulted the father of the defacto complainant and caused injury to him, which resulted in registration of the present case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner. He further submitted that the A1 and A2 are already released on bail by this Court vide order dated 05.01.2018 in Cr1.O.P(MD).No.143 of 2018.

4.The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital on 03.01.2018 and the investigation is still pending.

5.Considering the submissions made on either side, it seems that the case has been registered against the petitioner for the offences under Sections 341, 324 and 307 of IPC. According to the



prosecution, in the alleged offence, the petitioner assaulted the father of the defacto complainant, due to the difference of opinion regarding the celebration of Muthalamman Temple Festival. The learned Government Advocate (Crl. Side) fairly represented that the person who sustained injury at the time of alleged occurrence, was discharged from the hospital on 03.01.2018.

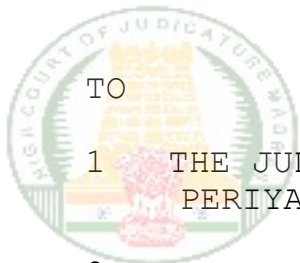
6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, 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 two weeks 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/-
08/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE ,
PERIYAKULAM, THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3 THE SUB-INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION,
THENI DISTRICT

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

+1. CC to Mr.A.K.MANICKAM Advocate SR.No.326

JAM/11/01/2018/RR/ SAR 3 / 3P-6C

ORDER

IN

CRL OP(MD) No.186 of 2018

Date :08/01/2018