



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

Friday, the Ninth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1887 of 2018

P.PANDIAN

...PETITIONER/ACCUSED (RANK NOT KNOWN)
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

(*) (CRIME NO.35 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR, 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 :-

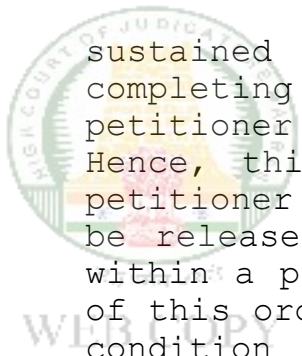
The petitioner/Rank not known, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), **(*) 324** and 506(ii) I.P.C., in Crime No.35 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner jointly running a wine shop bar in Chekkalai Road, Karaikudi. On 01.02.2018, there was a wordy quarrel between the petitioner and the defacto complainant with regard to the amount is not accounted properly by the petitioner. Thereby, the petitioner assaulted the defacto complainant with hands, abused him by using filthy language and also threatened him with dire consequence. Hence, case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

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

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 assaulted the defacto complainant and sustained injuries. According to prosecution, the person who



sustained injury has been discharged from the hospital after completing the treatment. So, 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 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, Karaikudi, 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 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/-

09/02/2018

(*)AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE IN CRL MP(MD) NO.934/2018 IN CRL OP(MD)NO.1887/2018 DATED 09.02.2018 BY RPAJ.

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.LENIN KUMAR Advocate SR.No.2263

ORDER

IN

CRL OP(MD) No.1887 of 2018

Date :09/02/2018