



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1888 of 2018

KUMAR

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KODANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.20 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SIVABALAN, Advocate

For Respondent : M/S.A.ROBINSON, Government 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 alleged offences punishable under Sections 427, 294(b), 323, 324 and 506(ii) of IPC., in Crime No.20 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to the family dispute between the petitioner and the defacto complainant, the petitioner and other accused assaulted the defacto complainant by using Aruval and iron rod, caused injuries and abused him by using filthy language. Hence, the present case has been registered against the petitioner and other accused.

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 pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital. He further submitted that the investigation is in progress.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that due to the family dispute, the petitioner and two other accused joined together and assaulted the defacto complainant by using Aruval, thereby, the defacto complainant sustained simple injury. According to the prosecution, as of now, the person, who sustained injuries during the time of occurrence was discharged from the hospital after completing the investigation. Further, except the offence under Sections 506(ii) of IPC., other petition mentioned offences are bailable in nature. Hence, custodial interrogation may not be necessary for completing the investigation. Therefore, 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, Valliyur, 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 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 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/-
07/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
KODANGULAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.K.SIVABALAN Advocate SR.No.46659

ORDER

IN

CRL OP(MD) No.1888 of 2018

Date :07/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/6C