



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

Wednesday, the Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1900 of 2018

N.SUBRAMANIAN,

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE,  
KALLAL POLICE STATION,  
SIVAGANGAI DISTRICT.  
(IN CRIME NO.07 OF 2018)

... RESPONDENT

For Petitioner : M/S.Dr.R.ALAGUMANI 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 alleged offences punishable under Sections 147, 294(b), 323, 427 and 506(ii) of IPC., and Section 4 of Tamil Nadu Prevention of Harassment of Women Act, in Crime No.7 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 15.01.2018, during the time of Pongal Festival, due to the previous enmity, the petitioner and other accused assaulted the defacto complainant by means of hands and caused injuries. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that totally there are five accused in this case. The petitioner is arrayed as A1. The other accused A2 to A5 were already granted anticipatory bail by this Court. He further submitted that the injured was treated as



outpatient. According to the prosecution, 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 previous enmity, at the time of Pongal festival, the petitioner herein along with other accused assaulted the defacto complainant by means of hand. According to the prosecution, the person, who sustained injury was treated as outpatient, the other accused in this case were already granted anticipatory bail by this Court. Hence, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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, 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 10.30 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

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



TO

1 THE JUDICIAL MAGISTRATE,  
KARAIKUDI

2 THE CHIEF JUDICIAL MAGISTRATE  
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,  
KALLAL POLICE STATION,  
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.1900 of 2018

Date :07/02/2018

SMA/PM-PN/SAR-4/13.02.2018:3P/5c