



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1968 of 2018

KARUPPASAMY

... PETITIONER/ACCUSED No.3

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.12 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

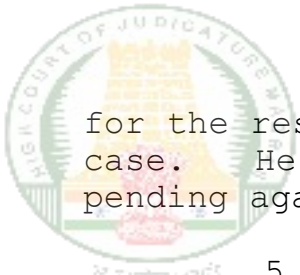
The petitioner/A3, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 294(b), 323, 307 and 506(ii) of I.P.C., and Section 25(1-A) of Arms Act, in Crime No.12 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant and his friends went in a two wheeler, the third accused along with other accused obstructed the defacto complainant and scolded them in filthy language. When the accused attempted to assault the defacto complainant with aruval, luckily escaped from the said attack. Then, the accused gave a life threat with aruval.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated. He has not committed any offence as alleged by the prosecution, and pleads for grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Criminal Side) appearing



for the respondent police submitted that no body was injured in this case. He further submitted that there are five previous cases pending against this petitioner.

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 and other three accused were obstructed the defacto complainant and threatened him by showing the aruval. According to the prosecution, nobody was injured in the occurrence. So, considering the above facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner may not be necessary for completing the investigation. Even though the petitioner is having five previous cases, those cases are registered for the minor offences.

6. Accordingly, considering the facts and other circumstances, this Court is inclined to grant anticipatory bail to the petitioner with stringent 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, Srivaikundam, 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 North Police Station, Dindigul, 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/-
08/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, DINDIGUL DISTRICT

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

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.2229

ORDER

IN

CRL OP(MD) No.1968 of 2018

Date :08/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/7C