



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.2029 of 2018

C.SUNDRAM,

... PETITIONER /SOLE ACCUSED

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE,
THILLAINAGAR POLICE STATION, TRICHY CITY.
TRICHY DISTRICT.
(CRIME NO.55 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.SATHISH BABU Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

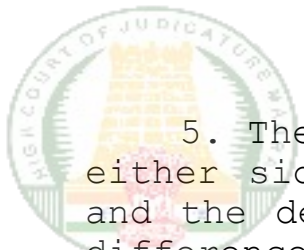
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b) & 506(i) I.P.C., in Crime No.55 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to some difference of opinion, the petitioner and the defacto complainant got separated. In such circumstances, on 20.10.2017, the petitioner along with his henchman went to the defacto complainant's parents house at Trichy and threatened them with dire consequences. 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, 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, no one sustained injury in this case. 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 the petitioner and the defacto complainant are husband and wife. Due to some difference of opinion, both of them are separated. In this circumstances, the petitioner threatened the defacto complainant with dire consequences. According to prosecution, during the time of occurrence, no one sustained injury. So, nothing has to be recovered by way of custodial interrogation. 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 No.IV, Trichy, 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

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



msa

TO

1 THE JUDICIAL MAGISTRATE NO.IV, TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
THILLAINAGAR POLICE STATION, TRICHY CITY.
TRICHY DISTRICT.

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

+1. CC to M/S.N.SATHISH BABU Advocate SR.No.2207

GJM/PM/PN/SAR-2-15.2.18-2P-6C

ORDER

IN

CRL OP(MD) No.2029 of 2018

Date :09/02/2018