



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2072 of 2018

1 I.LAKSHMANAN

2 K.PINCHU @ SHANMUGA PRABHU

... PETITIONERS/

ACCUSED NO. 1 & 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

IN CRIME NO.44/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.P.GUNASEKARAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294 (b), 341 and 307 I.P.C., in Crime No.44 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant along with his friends were consuming alcohol in TASMAL Bar, at that time, the petitioners also visited the Bar along with his friends. During the relevant time, without any reason, the petitioners invited the defacto complainant for fight and assaulted the defacto complainant's head by using beer bottle, due to which, the defacto complainant sustained injuries. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that during the time of occurrence, the person



who sustained injury was 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 petitioners herein assaulted the defacto complainant's head by using the beer bottle, due to which, the defacto complainant sustained injury. Further, on go through the medical certificate submitted by the learned counsel appearing for the petitioners, it shows that the injured was treated as out patient in the hospital. Accordingly, the reason for registering the case under Section 307 I.P.C is best known to the Investigating Officer. Therefore, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent police daily at 10.00 a.m until further orders.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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/-
16/02/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.

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.P.GUNASEKARAN Advocate SR.No.2612

ORDER

IN

CRL OP(MD) No.2072 of 2018

Date :16/02/2018

MS/RR/SAR.3/16.02.2018/3P.6C