



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

Monday, the Nineteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2158 of 2018

J.KUMAR,

... PETITIONER/ACCUSED NO.2

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
(IN CRIME NO.75 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.EZHILARASU, 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/A2, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 324 and 506(ii) I.P.C., in Crime No. 75 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 06.02.2018, when the defacto complainant was equaling his land with JCB, at that time, the petitioner along with others abused the defacto complainant and assaulted him, due to which, the defacto complainant sustained injury. Hence, a case has been registered for the above said offences.

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 prays for anticipatory bail.

4.The learned Government Advocate (Crl.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 petitioner and others assaulted the defacto complainant, due to which, the defacto complainant sustained injury. According to prosecution, the person, who sustained injury was discharged from the hospital after completing the treatment. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, for the reasons stated above, 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.I, Karur, 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, 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/-
19/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.A.MOHAN Advocate SR.No.2690

GJM/CM/SAR-4-23.02.2018-3P-6C

ORDER

IN

CRL OP (MD) No.2158 of 2018

Date :19/02/2018