



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2202 of 2018

AROKIYASAMY,

... PETITIONER/ ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
RAMJI NAGAR POLICE STATION,
GTRICHY DISTRICT.

CRIME NO. (*) 6/2018

... RESPONDENT/ COMPLAINANT

**(AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE IN
CRL MP (MD) NO.1151/2018 IN CRL OP (MD) NO.2202/2018
DATED 15.02.2018 BY RPAJ)**

For Petitioner : M/S.B.JAMEEL ARASU 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, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 506(i), **(*)379** and 354 I.P.C., in Crime No. **(*) 6 of 2018**, seek anticipatory bail.

2.The case of the prosecution is that with regard to dispute among the teachers, the petitioner came to the defacto complainant's place and quarrelled with him, due to that, the petitioner assaulted the defacto complainant and threatened with dire consequences. 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, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that the injured has been discharged from the hospital, after completing the treatment. According to him, investigation is still pending.

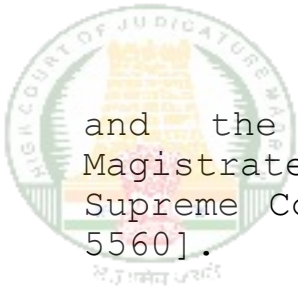
5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein assaulted the wife of the defacto complainant. Even though the case has been registered for the offences under Sections 294(b), 323, 379, 506(i) and 354 I.P.C., the learned counsel appearing for the petitioner submitted that in the copy of the alteration report, the offences are altered into Sections 294(b), 323, 506(i) and 354 I.P.C., in which, only Sections 506(i) and 354 I.P.C., are non bailable in nature. As of now, the person, who sustained injury has been discharged from the hospital. Thereby, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with some stringent condition. 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. III, 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 Inspector of Police, Srirangam Police Station, Trichy District, 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].

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sd/-
08/03/2018

/ TRUE COPY /

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

msa
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE,
RAMJI NAGAR POLICE STATION, GTRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE,
SRIRANGEM POLICE STATION, TRICHY DISTRICT.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.3778

GJM/VR/SAR-2-19.3.18-3P-7C

ORDER
IN
CRL OP(MD) No.2202 of 2018
Date :08/03/2018