



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2235 of 2018

MANIKANDAN

... PETITIONER/1st ACCUSED

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI.
(CRIME NO.30 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU, 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, who is arrayed as accused No.1, apprehending arrest at the hands of the respondent police for the offence punishable under Section 294(b), 342, 307 & 506(ii) of IPC, in Crime No.30 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant along with their friends consuming alcohol near sea-shore, where there is a quarrel existing between them. At that time the petitioner assaulted the defacto complainant with bottle, thereby he sustained injury.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that investigation is still pending. According to him, the injured person discharged from the hospital.



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 the defacto complainant being the friends consuming alcohol and met with a quarrel, due to which the defacto complainant sustained injury. As of now, according to the prosecution the person who sustained injury was discharged from the hospital after completing the treatment. So, in order to complete the investigation custodial interrogation may not be necessary.

6. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner. 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, Nagercoil, 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. 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/-
13/02/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION, KANYAKUMARI.

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

ORDER
IN
CRL OP (MD) No.2235 of 2018
Date :13/02/2018

PK/RR-CSL/SAR-1/20.02.2018 : 3P/5C