



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.229 of 2018

SAKTHIVELSAMY

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.553 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.PRAKASH Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Cr1. Side)

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

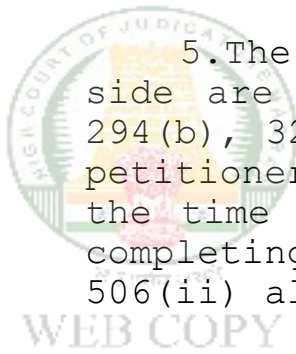
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.553 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel arose between them with regard to sharing of water which was flown from Sirumalai hills, due to that he abused the defacto complainant with filthy language and caused simple injury by using hands. Hence, the defacto complainant lodged complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he is in no way connected to this case.

4.The learned Government Advocate (Cr1.Side) submitted that investigation is not yet completed. He would further submit that the injured person discharged from the hospital.



5.The submissions made by the learned counsel on either side are considered. The offences punishable under Sections 294(b), 323 and 506(ii) of IPC have been registered against the petitioner. Admittedly, the person who sustained injury during the time of occurrence was discharged from the hospital after completing the treatment. In the above said offences except 506(ii) all other offences are bailable in nature.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, 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, Sivagiri, 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 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/-
08/01/2018

/ TRUE COPY /



tm/sss
TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
PULIYANKUDI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.363

GJM/RR/SAR-I-10.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.229 of 2018
Date :08/01/2018