



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.244 of 2018

GOPAL

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
Crime No.262 of 2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.GOKUL Advocate

For Respondent : M/S S.BHARATHI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

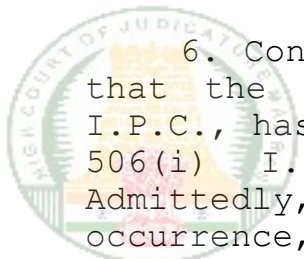
Heard both side.

2.The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(i) I.P.C., in Crime No.262 of 2017, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that due to the money dispute, on 27.12.2017, the defacto complainant went to the house of the petitioner and asked him to return back the money, thereby, a quarrel took place between the petitioner and the defacto complainant, in which, the petitioner attacked the defacto complainant and threatened him with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioner.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case. He did not involved any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

5.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there was a money dispute between the petitioner and the defacto complainant. Injured discharged from the hospital.



6. Considering the submissions made on either side, it discloses that the offences under Sections 294(b), 323, 324 and 506(i) I.P.C., has been registered against the petitioner, in which, except 506(i) I.P.C., other offences are all bailable in nature. Admittedly, the person who sustained injury at the time of occurrence, has been discharged from the hospital. Hence, custodial interrogation is not necessary for completing the investigation. Therefore, 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, Rameswaram, 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/-

08/01/2018

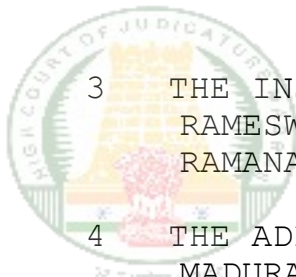
/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE,
RAMESWARAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

WEB COPY

+1. CC to MR.K.GOKUL Advocate SR.No.324

.
JAM/11/01/2018/RR/ SAR 3 / 3P-6C

ORDER

IN

CRL OP (MD) No.244 of 2018

Date :08/01/2018