



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.2570 of 2018

MANIAN @ SUBRAMANIAN THEVAR

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT
CR.NO.7 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.R.MURUGESAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

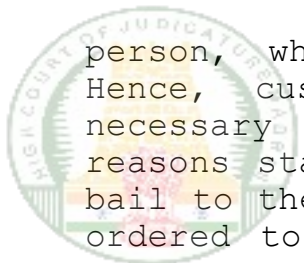
The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 324 and 506(ii) I.P.C., in Crime No. 7 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to the civil dispute between the petitioner and the defacto complainant's maternal uncle, the petitioner and other accused assaulted the defacto complainant's maternal uncle and cause 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 due to the civil dispute, the petitioner and other accused assaulted the defacto complainant's uncle and cause injury. According to prosecution, the



person, who sustained injury was discharged from the hospital. 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 Chief Judicial Magistrate, Pattukottai, 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 /

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

TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 2 THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.R.MURUGESAN Advocate SR.No.2691

ORDER IN

CRL OP(MD) No.2570 of 2018

Date :19/02/2018