



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2675 of 2018

1 VINOTH @ VINOTHKUMAR
2 NALLU @ NAGAMUTHU

... PETITIONERS / ACCUSED NO.1&2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
LALGUDI POLICE STATION,
TRICHY DISTRICT.
IN CR.NO.51/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

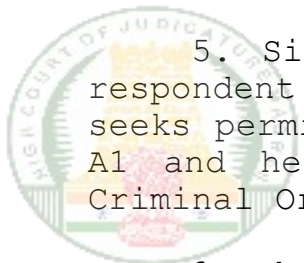
ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 336 and 506(ii) of IPC., in Crime No.51 of 2018, seek anticipatory bail.

2. The case of the prosecution is that during the time of temple festival, there was a wordy quarrel arose between the petitioner and the defacto complainant, due to which, the petitioner abused the defacto complainant by using filthy language and threatened with dire consequences. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not commit any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. He further submitted that A1 in this case was arrested on 16.01.2018 and A2 is still absconding. According to the prosecution, the investigation is in progress.



5. Since the first accused in this case was arrested by the respondent police, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition as against A1 and he has made an endorsement to that effect. Hence, this Criminal Original Petition is dismissed as withdrawn as against A1.

6. The submissions made by the learned counsels appearing for either side are considered. According to the prosecution, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment. Further, except the offence under Section 506(ii) of IPC., all other petition mentioned offences are bailable in nature. Hence, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions. Accordingly, the 2nd petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate, Lalgudi, on condition that the 2nd 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 2nd petitioner/A2 shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the 2nd petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;

(iii) the 2nd petitioner/A2 shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the 2nd petitioner/A2 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner/A2 in accordance with law as if the conditions have been imposed and the 2nd petitioner/A2 released on bail by the 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/-
20/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUB INSPECTOR OF POLICE
LALGUDI POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.2764

ORDER

IN

CRL OP(MD) No.2675 of 2018

Date :20/02/2018

MKV-CM-SAR 4/26.2.2018/3P-6C