



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2817 of 2018

AJIN SAM, ... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY ITS,
THE SUB INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
MANAVALAKURICHI,
KANYAKUMARI DISTRICT.
IN CRIME NO.13 OF 2018. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.SANKAR PRAKASH Advocate

For Respondent : MR.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/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 294 (b), 323, 307 and 506(ii) I.P.C., in Crime No.13 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 09.02.2018, the petitioner along with two other accused abused the defacto complainant by using filthy language and assaulted him, due to which, the defacto complainant caused 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, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the state submitted that totally there are three accused involved in this case. The petitioner herein is arrayed as A2. He further



submitted that the person who sustained injury during the time of occurrence has been 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 during the time of occurrence, the petitioner and other two accused assaulted the defacto complainant, thereby, the defacto complainant sustained injury and after getting the treatment, he was discharged from the hospital on 07.02.2018. On go through the averments made in the First information Report, it reveals that the petitioner assaulted the defacto complainant by using his leg. Admittedly, the petitioner and the defacto complainant are having the permanent residents. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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, Eraniel, Kanyakumari District, 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 petitioners 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/-
22/02/2018

/ TRUE COPY /



msa
TO

1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE SUB INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
MANAVALAKURICHI, KANYAKUMARI DISTRICT

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

+1. CC to M/S.C.SANKAR PRAKASH Advocate SR.No.2977

GJM/CM/VR/SAR-4-2.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.2817 of 2018

Date :22/02/2018