



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2819 of 2018

S.SAHAYA SAGIN,

...PETITIONER/ACCUSED No.1

Vs

STATE REP. BY ITS
THE SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT,
IN CRIME NO.348 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.C.SANKAR PRAKASH Advocate

For Respondent : A.ROBINSON, Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC., in Crime No.348 of 2017, seeks anticipatory bail.

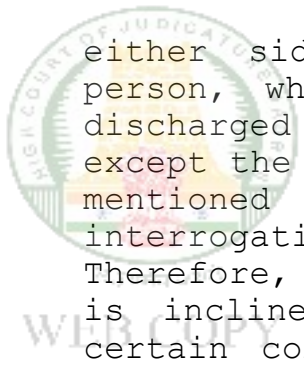
2. The case of the prosecution is that on 26.09.2017, due to previous enmity, the petitioner along with other accused assaulted the defacto complainant by pelting stones and caused injuries. Thereafter, the petitioner abused the defacto complainant by using filthy language. Hence, the case has been registered 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 committed 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. According to the prosecution, the investigation is in progress.

<https://hcservices.ecourts.gov.in/hcservices/>

5. 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 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 petitioner with certain conditions. Accordingly, the 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, 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 10.30 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;

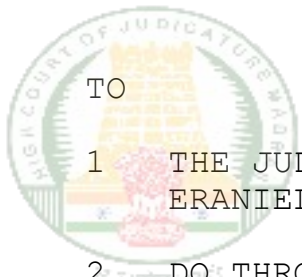
(iii) the petitioner shall not abscond either during investigation or trial;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
23/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT .

3 THE SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
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.2978

PJL

SMA / CM-VR/SAR 1/02/03/2018 : 3P - 6C

ORDER

IN

CRL OP(MD) No.2819 of 2018

Date :23/02/2018

SMA/CM-VR/SAR-1/02.03.2018:3P/5C