



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

Friday, the Twenty Third day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2902 of 2018

RAJA KIRUBAKARAN @ KIRUBAKARAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.36 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.LAXMI MAHENDRAA 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 petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 353 of IPC., in Crime No.36 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a conductor in TNSTC bus bearing No.138B, which is running from Tirunelveli to Sathankulam route. On 10.02.2018, another TNSTC bus hit one Chellam and caused an accident at Amuthunnakudi-Chettikulam junction. On seeing the same, the defacto complainant get down from his bus and enquired the same, at the time, the petitioner and other accused assaulted the defacto complainant and caused injuries, as if the defacto complainant has committed the accident. 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.

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

4. The learned Government Advocate (Criminal side) appearing



for the respondent on instructions, would submit that the injured has been discharged from the hospital and taking treatment as out-patient. According to the prosecution, the investigation is in progress.

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 and taking treatment as out-patient. Further except the offence under Section 353 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, Sathankulam, Thoothukudi 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 one week 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

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TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.LAXMI MAHENDRAA Advocate SR.No.2971

ORDER

IN

CRL OP(MD) No.2902 of 2018

Date :23/02/2018

SMA/CM-VR/SAR-1/02.03.2018:3P/6C