



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

Friday, the Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2928 of 2018

PETHURAJ

... PETITIONER / ACCUSED No.6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.15 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.P.VEERAMANI Advocate

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

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

ORDER : The Court Made the following order :-

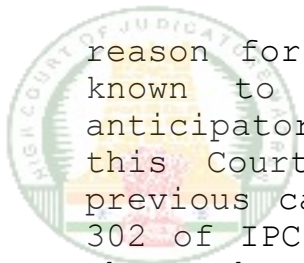
The petitioner, who is arrayed as accused no.6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 364, 342, 294(b), 323, 307 and 506(ii) of IPC, in Crime No.15 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have confined the defacto complainant in a room and threatened him with Aruval. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that no one has sustained injury and the investigation of the case is 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 accused in this case confined the defacto complainant in a room and made threatening by using the Aruval. Admittedly, nobody was injured in this case. So, the



reason for registering the case under Section 307 of IPC is best known to the investigating officer only. Moreover, earlier anticipatory bail petition filed by the petitioner was dismissed by this Court, for the reason that the petitioner is having one previous case, which was registered, for the offence under Section 302 of IPC. Now, the learned Government Advocate fairly conceded that, the said case was registered in the year 2010, in which, the petitioner was acquitted for the charges. Considering the facts and circumstances of the case, this Court came to the conclusion that the custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, 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 10.00 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 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/-
02/03/2018

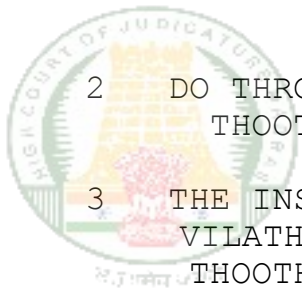
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM,

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.M.S.P. VEERAMANI Advocate SR.No.3407

TRP

JAM/12/03/2018/ CM-VR / SAR 2 / 3P-6C

ORDER

IN

CRL OP (MD) No.2928 of 2018

Date :02/03/2018