



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3048 of 2018

SAMUTHIRAPANDI

... PETITIONERS/ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.53/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.AMARNATH Advocate

For Respondent : M/S.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/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 342, 323, 307 and 506(ii) of IPC., in Crime No.53 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on the date of occurrence, the petitioner and other accused waylaid the defacto complainant and attacked with hands and tried to hit the defacto complainant by using a Tractor. Hence, the case has been registered against the petitioner and other accused for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that totally six accused in



this case and this petitioner/A1 is the group leader. The specific overtact against this petitioner is that he tried to dash against the defacto complainant by using Tractor. According to the prosecution, the investigation is going on.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused in this case assaulted the defacto complainant with hands and nobody was injured in the said occurrence. So, considering the nature of offence committed by the petitioner, 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, Thiruchendur, 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., 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 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/-
27/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.AMARNATH Advocate SR.No.3304

ORDER

IN

CRL OP(MD) No.3048 of 2018

Date :27/02/2018

PK/CM-VR/SAR-2/07.03.2018 : 3P/6C