



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3137 of 2018

DEVA ANBU

...PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
VIRALIMALAI,
PUDUKOTTAI DISTRICT.
CRIME NO.60 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K. ARUNRAJ, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

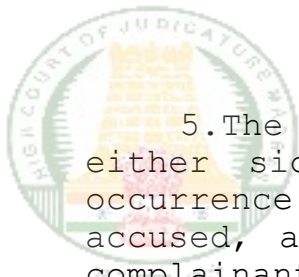
ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 323 and 506(i) I.P.C. read with Section 4 of Tamilnadu Prohibition of Women Harassment Act, in Crime No. 60 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioner assaulted the de-facto complainant, using filthy language and threatened with dire consequence, there by, the defacto complainant sustained injuries. Hence, the defacto complainant lodged a complaint against the petitioner.

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. Hence he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that injured is discharged from Manamadurai Government Hospital and this case was registered as case of case in counter. According to him, investigation is not completed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence due to the civil dispute, the petitioner being the sole accused, assaulted the de-facto complainant. Thereby, the de-facto complainant sustained injury. As of now, he is discharged from the hospital. Moreover, it is a case of case in counter. Apart from that, except 506(i), the other petition mentioned offences are bailable in nature.

6. Taking all the above said aspects into consideration, and having regard to the nature of offence, this Court comes to the conclusion that in order to complete investigation, custodial interrogation may not be necessary. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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 Court, Keeranur, 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. for a period of three weeks, 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.

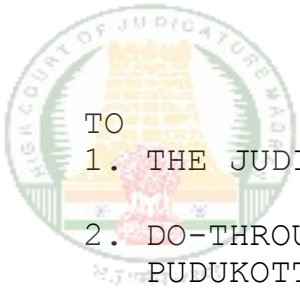
(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-

28/02/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, KEERANUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
VIRALIMALAI, PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K. ARUNRAJ Advocate SR.No.3252

ORDER

IN

CRL OP (MD) No.3137 of 2018

Date :28/02/2018

MS/PM-PN/SAR.4/06.03.2018/3P.6C