



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3240 of 2018

MARIAPPAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT
(CRIME NO.42/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.SADEESHKUMAR for M/S.A.S.VAIGUNTH 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 :-

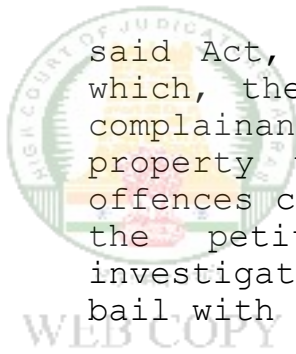
The petitioner, who is arrayed as accused no.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.42 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that, due to the wordy quarrel, the petitioner and other accused are said to have attacked the defacto complainant and also caused damage to the articles kept in the shop. 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 the damage caused is worth about Rs.3,000/- and the investigation is not yet completed.

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 two other accused entered into the shop of the defacto complainant and purchased the cigarettes, in which, he failed to pay the money. In consequences of the above



said Act, there was a wordy quarrel arose between them, due to which, the petitioner and two other accused assaulted the defacto complainant and caused simple injury and they have damaged the property worth about Rs.3,000/-. Considering the nature of offences committed by the petitioner, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions 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 No.II, Kovilpatti, 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 deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.42 of 2018, on the file of the the learned Judicial Magistrate No.II, Kovilpatti, without any prejudice to his defence before the trial Court.
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 am 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 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/-
06/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT

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

+1. CC to M/S.A.S.VAIGUNTH Advocate SR.No.3532

ORDER

IN

CRL OP(MD) No.3240 of 2018

Date :06/03/2018

MKV-PM-PN-SAR 4/9.3.2018/3P-6C