



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3247 of 2018

KESAVAN @ SELVAM

... PETITIONER /2ND ACCUSED

Vs

THE INSPECTOR OF POLICE
APPANTHIRUPATHY POLICE STATION,
MADURAI DISTRICT
(CRIME NO.19 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.A.AJMALKHAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

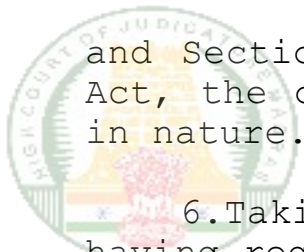
The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act in Crime No.19 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 14.01.2018, the defacto complainant was assaulted by the petitioner. Hence, he lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that he is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the injured person discharged from the hospital. According to him, investigation is still pending.

5.The submissions made on either side are considered. It is alleged that during the time of occurrence, the petitioner herein assaulted the defacto complainant and caused injury to him. However, submissions made by the learned Government Advocate (Criminal Side) that the person was discharged from the hospital. Apart from that, except Section 506 (ii) IPC.



and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, the other offences mentioned in the petition 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 the investigation, custodial interrogation of the petitioner may not be necessary. Accordingly, 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 No.V, Madurai, 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 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/-
01/03/2018

/ TRUE COPY /

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



tm
TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
APPANTHIRUPATHY POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.A.AJMALKHAN Advocate SR.No.3331

GJM/CSL/SAR-3-9.3.18-3P-6C

ORDER
IN
CRL OP(MD) No.3247 of 2018
Date :01/03/2018