



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.3311 of 2018

KANNAN

... PETITIONER/2nd ACCUSED

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.BALAKRISHNAN Advocate

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

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

ORDER : The Court Made the following order :-

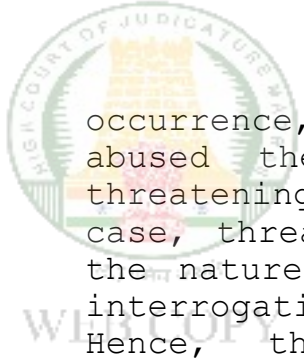
The petitioner, who is arrayed as accused no.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(ii) of IPC, in Crime No.42 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioner and other accused are said to have abused the defacto complainant in filthy language and also threatened him with dire consequences. 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.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case 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 other accused are alleged to have abused the defacto complainant in filthy language and made threatening for getting Rs.180/-. The defacto complainant in this case, threatened by the petitioner without any reason. Considering the nature of offence committed by the petitioner, the custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

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, 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 stay at Dindigul, report before the Sub Inspector of Police, North Police Station, Dindigul, 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

/ 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,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
NORTH POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.R.BALAKRISHNAN Advocate SR.No.3426

ORDER

IN

CRL OP(MD) No.3311 of 2018

Date :02/03/2018

PK/RR-CSL/SAR-2/12.03.2018 : 3P/7C