



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3360 of 2018

VIJAYAN

... PETITIONER/2nd ACCUSED

Vs

THE STATE THROUGH,
THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI STATION,
RAMANATHAPURAM.
CR.NO.69 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.ARPUTHA RAJ 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 147, 148, 294(b), 323, 324, 427, 506(ii) of IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss), Act, 1992, in Crime No.69 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that due to the previous enmity, the petitioner and other accused are said to have assaulted the *defacto* complainant and also criminally intimidated him. 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) would submit that the injured was discharged from the hospital and the investigation of the case is still pending. He would further submit



that this is a case of case in counter.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to the civil dispute, the petitioner and other accused have assaulted the defacto complainant and thereby, the defacto complainant has sustained injury. As of now, the injured was discharged from the hospital after taking treatment and this is a case of case in counter. Moreover, except the offence under Section 506(ii) of IPC all other offences are bailable in nature. 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.I, Ramanathapuram, 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 appear before the respondent Police daily 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 petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
05/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI STATION, RAMANATHAPURAM

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

+1. CC to M/S.A.ARPUTHA RAJ Advocate SR.No.3437

ORDER

IN

CRL OP(MD) No.3360 of 2018

Date :05/03/2018

PK/RR-CSL/SAR-2/12.03.2018 : 3P/6C