



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3558 of 2018

SIVASUBRAMANIAN

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.24 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.MUTHUVAI K.ILLAYARAJA, 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/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 323, 324, 427 and 506(ii) I.P.C., in Crime No.24 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are doing water business in the defacto complainant's land, therefore the defacto complainant told to the petitioner to vacate the land belonging to him, but the petitioner and other accused have refused to vacate the same. Thereafter, the petitioner and other accused assaulted the defacto complainant and threatened him with dire consequences. Hence, a case has been registered for the above said offences.

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 (Criminal Side) appearing for the State submitted that the injured was discharged from the



hospital, after completing the treatment and no previous case is pending against this petitioner. According to him, investigation is still pending.

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 in this case assaulted the defacto complainant, due to which, the defacto complainant sustained injury. According to prosecution, as of now, the injured was discharged from the hospital, after completing the treatment. Apart from that, except Section 506(ii) I.P.C., all other petition mentioned offences, are bailable in nature. Further, the petitioner is the first offender. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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, Thirupathur, 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/-
07/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
TIRUPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI

3 THE INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.MUTHUVAI K.ILLAYARAJA Advocate SR.No.3825

ORDER

IN

CRL OP(MD) No.3558 of 2018

Date :07/03/2018

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