



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

Wednesday, the Seventh day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3561 of 2018

1 SANKAR
2 S. SAHADEVAN

... PETITIONERS / ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE ,
ALWARKURICHI POLICE STATION, TIRUNELVELI DISTRICT,
IN CR.NO. 61/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.VIGNESH, Advocate

For Respondent : Mr. A.Robinson Govt. Advocate (Crl. Side).

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

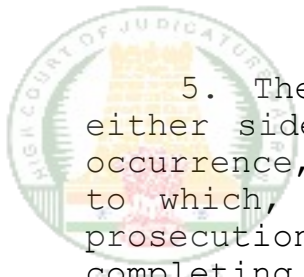
ORDER : The Court Made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) I.P.C., in Crime No.61 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 02.03.2018, there was a wordy quarrel arose between the petitioners and defacto complainant, due to that, the petitioners threatened the defacto complainant with criminal intimidation and also assaulted him, due to which, the defacto complainant sustained injury. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have 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 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 petitioners assaulted the defacto complainant, due to which, the defacto complainant sustained injury. According to prosecution, now the injured was discharged from the hospital, after completing the treatment. Hence, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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/-
07/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM,
2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.

4 Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.N.VIGNESH Advocate SR.No.3628.

ORDER
IN
CRL OP(MD) No.3561 of 2018
Date :07/03/2018

SDS/MM-PN/SAR.4/12.03.2018/3P/6C