



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.3571 of 2018

VENKATESWARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY DISTRICT.
CRIME NO.132 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.N.GOVARDHANAN 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 petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC r/w. 54 of Prisons Act, 1894, in Crime No.132 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to the wordy quarrel, the petitioner is said to have assaulted the *defacto* complainant and also abused him in filthy language. Thus, on complaint, a case has been registered against the petitioner. This is a case of case in counter.

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 injured was discharged from the hospital and the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, i.e., on 27.02.2018, the *defacto* complainant being the Grade-I Warden as a Central Prison, Trichy made quarrel with the petitioner, who is working as a Grade-II Constable in the same prison. Admittedly, the injured was discharged from the hospital



and this is a case of case in counter. Further, for the very same occurrence, the petitioner had preferred a complaint against the defacto complainant and the same was registered in Crime No. 133 of 2018. 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.II, Trichy, 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/-
07/03/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3 THE INSPECTOR OF POLICE,
K.K.NAGAR POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.K.N.GOVARDHANAN Advocate SR.No.3774

TRP
JAM/12/03/2018/ CM-VR / SAR 2 / 3P-6C

ORDER
IN
CRL OP(MD) No.3571 of 2018
Date :07/03/2018