



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.3578 of 2018

SARAVANAKUMAR

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY ITS,
THE SUB INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT,
CR.NO.33/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.RAMESH Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

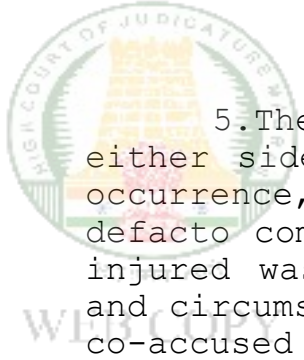
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(i) of IPC and Section 4 of TNPWH in Crime No.33 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have waylaid the defacto complainant and abused her in obscene words. 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. He would further submit that the co-accused have already been released on bail by the Sessions Court.

4.The learned Government Advocate (Criminal Side) would submit that this is a case of case in counter and the injured was discharged from the hospital and the investigation of the case is 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 have waylaid the defacto complainant and abused her in obscene words. As of now, the injured was discharged from the hospital. Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on anticipatory bail and that this is a case of case in counter, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail 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 District Munsif-Cum-Judicial Magistrate, Sivagiri, 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 /

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



trp
TO

1 THE DISRICT MUNSIF CUM JUDICIAL MAGISTRATE, SIVAGIRI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

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

GJM/CM/VR/SAR-2-12.3.18-3P-5C

ORDER

IN

CRL OP(MD) No.3578 of 2018

Date :07/03/2018