



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.36 of 2018

PIRAMILA

... PETITIONER/ACCUSED NO.5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
PARTHIBANOOR,
RAMANATHAPURAM DISTRICT,
CRIME NO.293/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SENTHIL Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

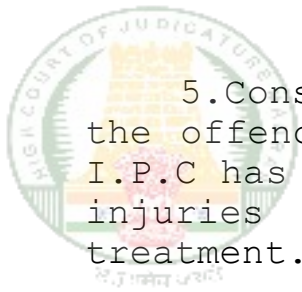
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 307 I.P.C in Crime No.293 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.10.2017 at about 6.00 p.m, when A1 parked his car in front of the house of the defacto complainant, the same was questioned by the defacto complainant due to which the petitioner and others assaulted the defacto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not involve in the offence as alleged by the prosecution and he is an innocent person. The petitioner has been falsely implicated in this complainant. Further he submitted that, the petitioner and the defacto complainant are the neighbors.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Additional Public Prosecutor submitted that injured discharged from the hospital. According to him, investigation is not completed.



5. Considering the submissions made on either side reveals the offence under Sections 147, 148, 294(b), 323, 324 and 307 I.P.C has been registered. Admittedly the person who sustained injuries discharged from the hospital after completing the treatment.

6. Taking the above said aspects into consideration, and on consideration of the nature of offence committed by the petitioner, **this Court comes to the conclusion that nothing has to be recovered by way of custodial interrogation. The other accused in this case already released on bail. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:-**

(i) The petitioner is granted anticipatory bail in the event of their arrest or on their surrender before the learned Judicial Magistrate, Paramakudi on or before 18.01.2018, failing which the petition dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on their executing a bond for Rs.25,000/- with two sureties for like sum each to satisfaction of the learned Judicial Magistrate, Paramakudi.

(iii) The petitioner is directed to appear before the respondent Police daily at 10.30 a.m. for a period of two weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigation Officer.

(v) 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/-
04/01/2018

/ TRUE COPY /



psd/tm
TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION, PARTHIBANOOR,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SENTHIL Advocate SR.No.122

GJM/CM/VR/SAR-2-8.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.36 of 2018
Date :04/01/2018