



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3602 of 2018

EDWIN

... PETITIONER/4th ACCUSED

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.19 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH 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 / A4, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 341, 342, 294(b), 324 and 506(ii) I.P.C., and the same was altered into Sections 341, 342, 294(b), 324 and 506(ii) I.P.C., in Crime No.19 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the due to previous enmity, the petitioner and other accused in this case abused the defacto complainant by using filthy language and assaulted him by using the knife, 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 petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the injured has been discharged from



the hospital, after completing the treatment. 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, due to previous enmity, the petitioner and other accused in this case assaulted the defacto complainant with knife, thereby, the defacto complainant sustained injury. According to prosecution, as of now, the injured has been discharged from the hospital, after completing the treatment. Further, except under Section 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners. 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, Nanguneri, 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, 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/-

08/03/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.3732

ORDER
IN
CRL OP (MD) No.3602 of 2018
Date :08/03/2018

PK/PN/SAR-2/14.03.2018 : 3P/6C