



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3716 of 2018

SANKAR @ SHANKARAKUMAR

... PETITIONER /4TH ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
V.K. PUDUR POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 147/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

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

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

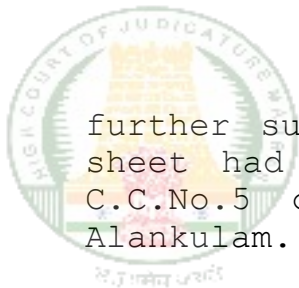
ORDER : The Court Made the following order :-

The petitioner is arrayed as fourth accused in Crime No. 147 of 2017 on the file of respondent police, for the alleged offences punishable under Sections 294(b) and 506(ii) read with 109 IPC and Section 3 of TNPPDL Act @ 147,148, 294(b) & 506(ii) read with 109 of IPC and Section 3 of TNPPDL Act, he filed this application, seeks anticipatory bail.

2. The case of the prosecution is that due to money dispute, the petitioner and other accused were unlawfully assembled and abused the de-facto complainant by using filthy language, threatened him with dire consequences, and damaged the property worth about Rs.1500/-. Hence, the case has been registered against the petitioner for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner and other accused damaged articles worth about Rs.1500/-. He



further submitted that after completing the investigation charge sheet had been filed and the same have been taken on file as C.C.No.5 of 2018 on the file of learned Judicial Magistrate, Alankulam.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, the petitioner and other accused unlawfully assembled with deadly weapons, abused the defacto complainant and also damaged the property worth about Rs.1500/-. As of now, after completing investigation, charge sheet has been filed which was taken on file as C.C.No.5 of 2018, by the learned Judicial Magistrate, Alankulam. So question of custodial interrogation doesnot arise. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Alankulam, 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 Judicial Magistrate, Alankulam, daily at 10.30 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 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/-

09/03/2018

/ TRUE COPY /

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



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TO

1 THE JUDICIAL MAGISTRATE, ALANKULAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
V.K. PUDUR POLICE STATION, TIRUNELVELI DISTRICT.

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

GJM/RR/CSL/SAR-2-19.3.18-3P-5C

ORDER

IN

CRL OP(MD) No.3716 of 2018

Date :09/03/2018