



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3898 of 2018

CHANDRASEKAR

... PETITIONER/4TH ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.70 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.ARPUTHARAJ Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

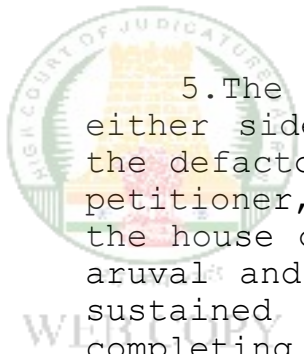
ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 450, 294(b), 324, 307 and 109 I.P.C., in Crime No.70 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused in this case unlawfully entered into the defacto complainant's house and assaulted him by using the aruval, thereby, 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 and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are six accused in this case. The petitioner herein is arrayed as A4. During the time of occurrence, the person who sustained injury has been discharged from the hospital. According to him, investigation is still pending.



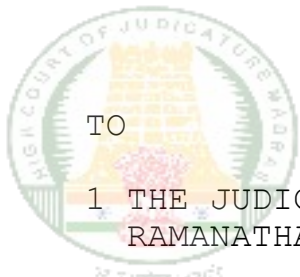
5. The submissions made by the learned counsel appearing on either side are considered. On 31.12.2017 at about 12.45 a.m when the defacto complainant was in his house, due to instigation of this petitioner, the other accused in this case unlawfully entered into the house of the defacto complainant and assaulted him by using the aruval and other deadly weapons. Thereby, the defacto complainant sustained injury. According to prosecution, as of now, after completing the treatment, he was discharged from the hospital on 13.01.2018 itself. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 No.I, Ramanathapuram, 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. until further orders.
- (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/-
13/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
UTHIRAKOSAMANGAI STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.A.ARPUTHARAJ, Advocate SR.No.3975.

ORDER

IN

CRL OP (MD) No.3898 of 2018

Date :13/03/2018

SDS/PN/SAR.1/19.03.2018/3P/6C