



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3998 of 2018

MANICKAM

... PETITIONER / ACCUSED NO.7

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
IN CR.NO. 393/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.ARUN PRASAD, Advocate

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

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

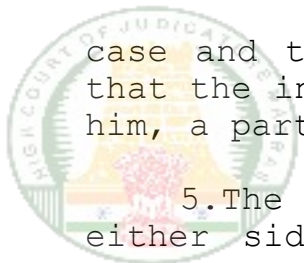
ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 307 I.P.C., in Crime No.393 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner along with other accused in the case assaulted the defacto complainant by using the aruval and wooden log, thereby, he sustained injuries. Hence, this case has been registered for the above said crime.

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 totally there are seven accused in this



case and the petitioner herein is arrayed as A7. He further added that the injured has been discharged from the hospital. According to him, a part of the investigation is completed.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to property dispute, the petitioner and other accused in this case assaulted the defacto complainant by using the aruval and wooden log. According to prosecution, as of now, the other accused in this case were granted with bail and a portion of investigation is completed. Further, the defacto complainant discharged from the hospital after completing the treatment. The alleged offence was happened in the year 2017 itself. So, considering the facts and circumstances of the case and also considering the fact that the portion of investigation is completed, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner. 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.II, Thanjavur District, 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/-
14/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.A.ARUN PRASAD, Advocate SR.No.4106.

ORDER

IN

CRL OP(MD) No.3998 of 2018

Date :14/03/2018

SDS/PN/SAR.2/20.03.2018/3P/6C