



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4070 of 2018

1 PRABHAKARAN
2 GNANA GURU

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

(CRIME NO.64 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.S.JEYAKARTHIK Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC., and Section 4 of TNPHW Act, in Crime No.64 of 2018, seek anticipatory bail.

2. The case of the prosecution is that prior to the alleged occurrence, the defacto complainant abused the first accused's wife. Thereafter, the petitioners went to the defacto complainant's house and made a wordy quarrel with the defacto complainant, thereby, abused him by using filthy language, assaulted and threatened with dire consequences. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the first petitioner is working as police constable and the second petitioner is working as Village Administrative Officer. He further submitted that after filing this case, the first petitioner was suspended from



service and the second petitioner is not get any punishment. According to the prosecution, the investigation is in progress.

5. Since the second accused in this case, who is working as Village Administrative Officer was not suspended for the above said alleged offences, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition as against A2 and he has made an endorsement to that effect. Hence, this Criminal Original Petition is dismissed as withdrawn as against A2.

6. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners herein formed a gang with other accused and went into the house of the defacto complainant, thereafter, abused the defacto complainant by using filthy language, assaulted him by using iron rod and caused injuries. As of now, within three days from the date of admission, the defacto complainant was discharged from the hospital. The first petitioner being the police constable committed the offence. However, considering the above facts and circumstances, this Court came to the conclusion that custodial interrogation may not be necessary for completing the investigation. Thereby, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions that:

(i) the 1st petitioner/A1 shall report before the respondent police daily at 10.30 a.m., until further orders;

(ii) the 1st petitioner/A1 shall not tamper with evidence or witness either during investigation or trial;

(iii) the 1st petitioner/A1 shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the 1st petitioner/A1 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner/A1 in accordance with law as if the conditions have been imposed and the 1st petitioner/A1 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/-

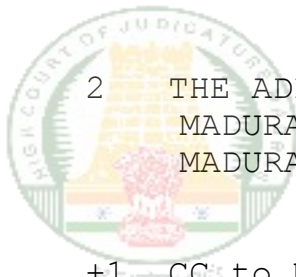
19/03/2018

/ TRUE COPY /

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

TO

1
<https://hcservices.ecourts.gov.in/hcservices/>
THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.4364

WEB COPY

pjl

JAM/23/03/2018/ CM-VR / SAR 2/ 3p-4c

ORDER

IN

CRL OP (MD) No.4070 of 2018

Date :19/03/2018