



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4365 of 2018

ANDICHAMY

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KEELAVALALU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.74 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A.JINNAH Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)
IN CRL OP(MD)NO.4365/2018 IN ORDER DATED 20.03.2018

: Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)
IN CRL MP(MD)NO.4615 & 4616/2018 IN CRL OP(MD)
NO.4365/2018 IN ORDER DATED 25.06.2018

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

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC., in Crime No.74 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was residing besides the house of the defacto complainant. One month prior to the alleged occurrence, the petitioner's hen was missing, thereby, the petitioner and other accused made quarrel with the defacto complainant. Thereafter, on 14.03.2018, the petitioner and other accused trespassed into the house of the defacto complainant, assaulted her by using wooden log, caused injuries and threatened her with dire consequences. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did



not commit any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from hospital on 17.03.2018. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. According to the prosecution, the person, who sustained injury during the time of occurrence was discharged from the hospital after completing treatment. Further except the offence under Section 506(ii) of IPC., all other petition mentioned offences are bailable in nature. Hence, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above 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, Melur, Madurai** 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 10.30 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/-
20/03/2018

(*) AMENDED AS PER ORDER OF THIS

**HON'BLE COURT MADE IN CRL MP(MD)NO.4616/2018
IN CRL OP(MD)NO.4365/2018 DATED 25.06.2018 BY GRSJ**

**(*) THE TIME FOR SURRENDER BY THE PETITIONER BEFORE
THE CONCERNED COURT AND EXECUTING THE SURETIES
IS EXTENDED BY TWO WEEKS FROM THE DATE OF RECEIPT
OF A COPY OF THIS ORDER. AS PER ORDER OF THIS
HON'BLE COURT MADE IN CRL MP(MD)NO.4615/2018
IN CRL OP(MD)NO.4365/2018 DATED 25.06.2018 BY GRSJ
/ TRUE COPY /**

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

**(*) To be Substituted the Corrected order dated 20.03.2018
already despatched**

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 4 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM
- 5 THE INSPECTOR OF POLICE, KEELAVALALU POLICE STATION,
MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.11408

PJL
JAM/02/04/2018/CM-VR/SAR 1/ 3P==6C
GJM/CM/VR/RNB/2.7.18-3P-8C

ORDER
IN
CRL OP(MD) No.4365 of 2018
Date :20/03/2018