



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4375 of 2018

V.CHANDRAN

... PETITIONER / 1st ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.54 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.WILLIAM Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 379 and 506(ii) of IPC., in Crime No.54 of 2018, seeks anticipatory bail.

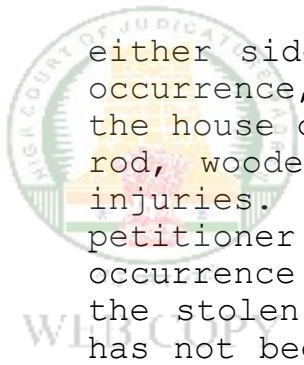
2. The case of the prosecution is that on 01.03.2018, due to the family dispute, the petitioner and other accused unlawfully entered into the house of the defacto complainant, assaulted the defacto complainant by using iron rod and caused injuries. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed 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 totally 5 accused are involved in this case, except this petitioner, all other accused are granted anticipatory bail. He further submitted that the injured has been discharged from the hospital. According to the prosecution, the investigation is in progress.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The submissions made by the learned counsels appearing for



either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused unlawfully entered into the house of the defacto complainant and assaulted him by using iron rod, wooden log, etc., Thereby, the defacto complainant sustained injuries. Moreover, at the time of alleged occurrence, the petitioner herein took away the cell phone, which was kept in the occurrence place. Hence, for completing investigation, recovery of the stolen property is necessary. As of now, the stolen cell phone has not been recovered, for which the learned counsel appearing for the petitioner made a submission that the petitioner is willing to deposit Rs.5,000/- towards the cost of cell phone. Hence, 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, Valliyoor, 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 is directed to deposit a sum of Rs.5,000/- to the credit of Crime No.54 of 2018 on the file of the learned Judicial Magistrate, Valliyoor;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

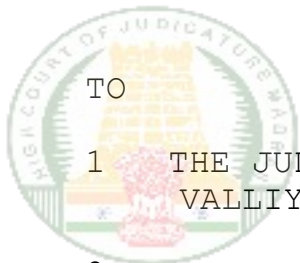
(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and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

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.B.WILLIAM Advocate SR.No.4413

pjl

JAM/02/04/2018/ CM-VR / SAR 1 / 3p-6c

ORDER

IN

CRL OP (MD) No.4375 of 2018

Date :20/03/2018