



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.4385 of 2018

WEB COPY

PERUMAL

... PETITIONER

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
AUNDIPATTY POLICE STATION,
AUNDIPATTY,
THENI DISTRICT.

... RESPONDENT

For Petitioner : M/S.P.SIVACHANDRAN 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, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) IPC in Crime No.192 of 2018, seeks anticipatory bail.

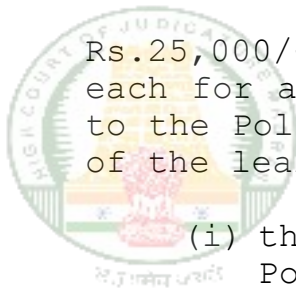
2.The case of the prosecution is that due to civil dispute, the petitioner is said to have assaulted the *defacto* complainant and threatened him with dire consequences. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that no one has sustained injury and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to civil dispute, the petitioner assaulted the *defacto* complainant and abused him in filthy language. Considering the nature of offences committed by the petitioner, this Court came to the conclusion that the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, Theni 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 appear before the respondent Police daily 10.00 am 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 petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
20/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, AUNDIPATTI, THENI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
AUNDIPATTY POLICE STATION, AUNDIPATTY, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.SIVACHANDRAN Advocate SR.No.4453
TRP
CSL/PMI/SAR-IV/03.04.2018 : 2P/6C

ORDER
IN
CRL OP(MD) No.4385 of 2018
Date : 20/03/2018