



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

Friday, the Twenty Third day of March Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.4567 of 2018

MARIYA ARUL JEBHASTIYAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY  
THE SUB INSPECTOR OF POLICE,  
PANDALKUDI POLICE STATION, VIRUDHUNAGAR  
DISTRICT.(CRIME NO.41 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.S.SURESH 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 :-

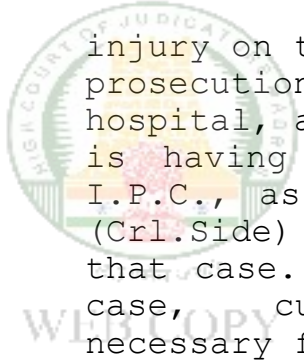
The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 307 and 506(ii) I.P.C., in Crime No.41 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, on 04.02.2018, the petitioner assaulted the defacto complainant by using Aruval and thereby, the defacto complainant sustained injuries on his back side of the head and his left thumb. Hence, a has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not involved in the alleged occurrence. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that injured has been discharged from the hospital. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to previous enmity, the petitioner assaulted the defacto complainant by using the aruval, thereby, he sustained



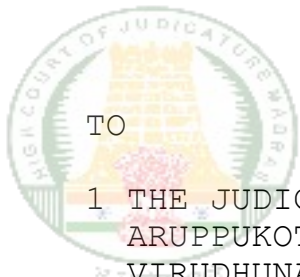
injury on the back side of the neck and his left thumb. According to prosecution, as of now, the injured has been discharged from the hospital, after completing the treatment. Even though the petitioner is having one previous case for the offence under Section 302 I.P.C., as per submission made by the learned Government Advocate (Crl.Side) appearing for the State, the petitioner was acquitted in that case. Thereby, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Aruppukottai, 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/-  
23/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
ARUPPUKOTTAI.  
VIRUDHUNAGAR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,  
PANDALKUDI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.VINOTH, Advocate SR.No.4678.

ORDER

IN

CRL OP(MD) No.4567 of 2018

Date :23/03/2018

SDS/CM:VR/SAR.4/02.04.2018/3P/6C