



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

Tuesday, the Twenty Seventh day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4568 of 2018

WEB COPY

KALLATHIYAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MANUR POLICE STATION, MANUR,
TIRUNELVELI DISTRICT.
(CRIME NO.112 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 452, 294(b), 324, 307 and 506(ii) IPC., in Crime No.112 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 09.03.2018, due to the previous enmity, the petitioner and other accused abused the defacto complainant by using filthy language, assaulted him by using Aruval and knife, caused injuries and threatened him 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 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 six accused are involved in this case. He further submitted that the injured has been discharged from the hospital on 19.03.2018. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and five other accused abused the defacto complainant by using filthy language, assaulted with Aruval and knife. According to the prosecution, the person, who sustained injury during the time of occurrence was discharged from the hospital on 19.03.2018 itself. Admittedly, the petitioner is having permanent residence. Moreover, the learned Government Advocate (Criminal side) admitted that a portion of investigation is completed. Hence, considering the nature of offence committed by the petitioner, 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 No.V, Tirunelveli, 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., 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 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/-
27/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.
 - 2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE,
MANUR POLICE STATION, MANUR,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.N.PRAGALATHAN, Advocate SR.No.4878.

ORDER
IN
CRL OP(MD) No.4568 of 2018
Date :27/03/2018

SDS/MM:PN/SAR.1/28.03.2018/3P/6C