



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4572 of 2018

K.GNANASEKARAN,

... PETITIONERS/ACCUSED NO.2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
(CRIME NO.34/2018)

... RESPONDENT/ COMPLAINANT

MUTHU

...INTERVENER PETITIONER/
DEFACTO COMPLAINANT
IN CRL MP (MD) NO.2370/2018

For Petitioner : M/S.B.SENTHILNATHAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

For Intervener : MR.ILAYARAJA, Advocate

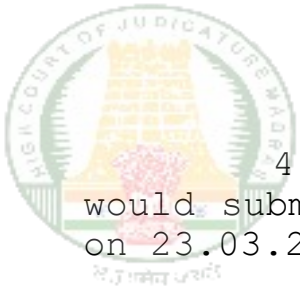
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 324, 506 (ii) and 109 IPC, in Crime No.34 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner and other accused assaulted the *defacto* complainant by using knife and also 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 the injured was discharged from the hospital on 23.03.2018 and the investigation is still pending.

WEB COPY 5. The learned counsel appearing for the intervenor strongly opposed to grant anticipatory bail to the petitioner.

6. The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to previous motive, the petitioner and other accused assaulted the *defacto* complainant with knife and thereby, the *defacto* complainant has sustained injury. As of now, the injured was discharged from the hospital after taking treatment on 23.03.2018. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and in the above said offences except 506 (ii) IPC all other offences are bailable in nature, this Court came to 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.

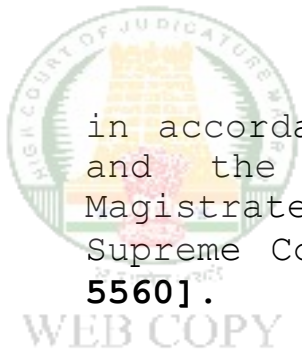
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppathur, on condition that the petitioner shall execute a bond for 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 at 10.00 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 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/-
26/03/2018

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

TO

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

+1. CC to M/S.B.SENTHILNATHAN Advocate SR.No.4773

TRP
GJM/MM/PN/SAR-I-27.3.18-3P-6C

ORDER
IN
CRL OP(MD) No.4572 of 2018
Date :26/03/2018