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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4654 of 2018

ARULJOTHI ... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT,
CR.NO.73/2018 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.KARTHICK SUBRAMANIAN, Advocate

For Respondent : M/S.A.ROBINSON, Government 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 No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC in Crime No.73 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioner and other accused assaulted the *defacto* complainant and also abused him in filthy language. 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 25.02.2018 and the investigation is still pending.

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5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to the civil dispute, the petitioner assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. As of now, the injured was discharged from the hospital after taking treatment on 25.02.2018. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, 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.

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 No.II, Dindigul, 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.

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TO

1 THE JUDICIAL MAGISRATE NO.II, DINDIGUL

2 DO THROUGH THE CHIEF JUDCIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT.

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

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.4857

ORDER
IN
CRL OP(MD) No.4654 of 2018
Date :26/03/2018

PK/PMI/SAR-1/03.04.2018 : 3P/6C

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