



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4787 of 2018

JAMAL @ JAMAL MOHAMED

... PETITIONER /SOLE ACCUSED

Vs

STATE, REP.BY

THE INSPECTOR OF POLICE

ARUMUGANERI POLICE STATION,

THOOTHUKUDI DISTRICT

(CRIME NO. 52 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

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

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

ORDER : The Court Made the following order :-

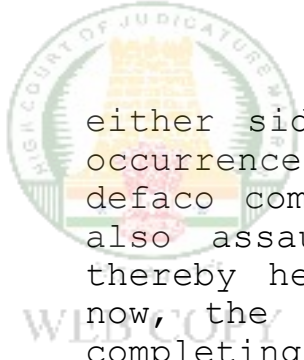
The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 and 506(ii) I.P.C., in Crime No.52 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to the match dispute, the petitioner abused the defacto complainant and threatened him with dire consequence and also assaulted the defacto complainant by using the helmet, thereby he sustained injuries. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

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

5. The submission made by the learned counsel appearing on



either side are considered. It is alleged, during the time of occurrence, due to the match dispute, the petitioner abused the defacto complainant and threatened him with dire consequence and also assaulted the defacto complainant by using the helmet, thereby he sustained injuries. According to prosecution, as of now, the injured has been discharged from the hospital, after completing the treatment. Further, except under Section 506(ii) I.P.C., all other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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, Thiruchendur, Thoothukudi 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 report 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 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/-
27/03/2018

/ TRUE COPY /

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



msa
TO

1 THE JUDICIAL MAGISTRATE
THIRUCHENDUR, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT

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

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.4859

GJM/PN/SAR-1-6.4.18-3P-6C

ORDER

IN

CRL OP(MD) No.4787 of 2018

Date :27/03/2018