



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.595 of 2018

SIVAKUMAR,

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BAZAR POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO.7 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PITCHAIMUTHU Advocate

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

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

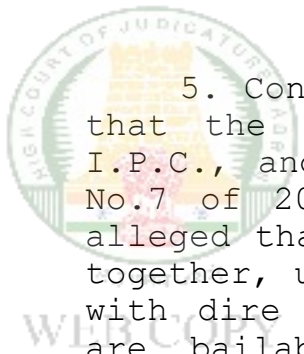
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 323, 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Women Harassment Act in Crime No.7 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that while the defacto complainant standing in front of his relative house, at that time, this petitioner and others were came to the spot with iron rod and assaulted the defacto complainant with dire consequences, due to which he sustained injuries. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the above case is case in counter in Crime No.6 of 2018 registered by the respondent police. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that injured escaped from the hospital against the medical advice. According to him, investigation is not completed.



5. Considering the submissions made on either side, it discloses that the offences under Sections 147, 148, 323, 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Women Harassment Act in Crime No.7 of 2018, has been registered against the petitioner. It is alleged that during the time of occurrence, the petitioner gathered together, using deadly weapons and assaulted the defacto complainant with dire consequences. Except 506(ii) I.P.C., all other offences are bailable in nature. The person, who sustained injury is escaped from the hospital against the medical advice. So, considering the nature of offence committed by the petitioner, custodial interrogation is not necessary for completing the investigation. Therefore, the reasons stated above, 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 No.I, Ramanathapuram, 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, 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/-
12/01/2018

/ TRUE COPY /

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



msa
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

- 3 THE INSPECTOR OF POLICE,
BAZAR POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.PITCHAIMUTHU Advocate SR.No.672

GJM/CM/VR/SAR-I-17.1.18-3P-6C

ORDER
IN
CRL OP (MD) No.595 of 2018
Date :12/01/2018