



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.631 of 2018

L.MURUGESAN

... PETITIONER/ACCUSED

Vs

STATE REPRESENTED

THE SUB INSPECTOR OF POLICE

VEERAPANDI POLICE STATION, THENI DISTRICT

(CRIME NO.8/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIYAN Advocate

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

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

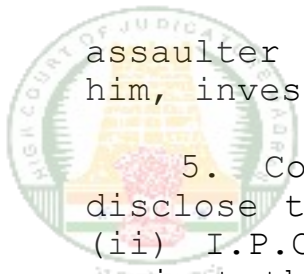
ORDER : The Court Made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 448, 354, 294(b), 506(ii) I.P.C., and Section 4 of TNWH Act in Crime No.8 of 2018 , seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 03.01.2018, the petitioner entered into the defacto complainant's house and assaulted her. Hence, the defacto complainant lodged a complaint against the petitioner. Based on the complaint, case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted there was a civil dispute between the petitioner and the defacto complainant. Due to that motive, the defacto complainant and her relatives assaulted the petitioner, in which, he sustained head injuries. The petitioner lodged a complaint before the respondent police. There was a case in counter in Crime No.9 of 2018 has been registered against the defacto complainant. To counter blast the same, the present case has been foisted against the petitioner. Hence he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that at the time of alleged occurrence, the petitioner is in drunken mood, entered into the house of the defacto complainant and



assaulter her. There was a case of case in counter. According to him, investigation is not completed.

5. Considering the submissions made on either side, it disclose that the offences under Sections 448, 354, 294(b), 506 (ii) I.P.C., and Section 4 of TNWH Act, has been registered against the petitioner. According to the prosecution, during the time of occurrence, the petitioner is in the drunken mood, entered into the house of the defacto complainant and committed the offence. There was a case of case in counter. 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, Theni 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.



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TO

- 1 THE JUDICIAL MAGISTRATE, THENI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.659

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

ORDER
IN
CRL OP (MD) No.631 of 2018
Date :12/01/2018