



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.645 of 2018

THAMPIDURAI,

... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
IN CRIME NO.5 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MURALIKUMAR Advocate

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

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

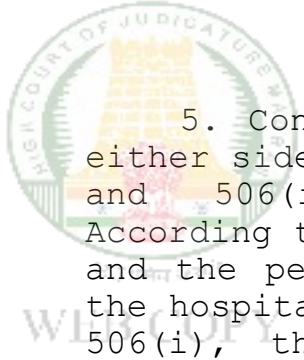
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 506(i) I.P.C., in Crime No.5 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07.01.2018, when the defacto complainant was at Poosadurai Workshop, the petitioner/A2 and another one attacked the defacto complainant by wooden stick and also abused him with filthy language with criminal intimidation. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are relatives. There was a family dispute between the A1 and the defacto complainant, hence only on that motive, this petitioner has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he did not involved in the said occurrence as alleged by the defacto complainant.

4.The learned Government Advocate (Criminal Side) submitted that injured discharged from the hospital and investigation is almost completed.



5. Considering the submissions made by the learned counsel on either side, it discloses that the offence under Sections 294(b), 323 and 506(i) I.P.C., has been registered against the petitioner. According to the prosecution, part of the investigation is completed and the person who sustained injury has also been discharged from the hospital after completing the treatment. Apart from that, except 506(i), the other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioner is not 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, Devakottai, 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/-
23/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.A.MURALIKUMAR Advocate SR.No.1408

ORDER

IN

CRL OP(MD) No.645 of 2018

Date :23/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:3P/6c