



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.739 of 2018

EDWIN @ AROCKIA EDWIN

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT
(CR.NO.222/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MANIMARAN 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 :-

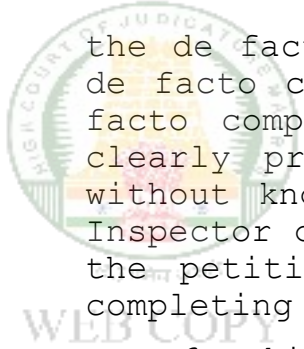
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 332, 307 & 506(ii) IPC in Crime No.222 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that with regard to parking the vehicle of the petitioner, a dispute arose between the petitioner and the de facto complainant and hence, the petitioner along with other accused assaulted the de facto complainant and also threatened with dire consequences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that no serious injury has been caused and investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 294(b), 323, 332, 307 & 506(ii) IPC. The de facto complainant is the Sub Inspector of Police. It is alleged that during the time of occurrence the petitioner herein assaulted



the de facto complainant. But no serious injuries is caused to the de facto complainant. Further, at the time of occurrence, the de facto complainant was not wearing the uniform. So, those facts clearly proved that the offence was committed by the petitioner without knowing the fact that the de facto complainant is the Sub Inspector of Police. Considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation.

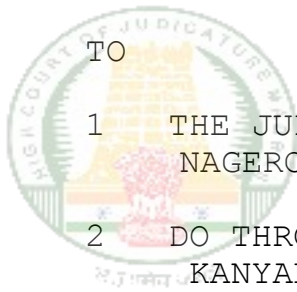
6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, 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 10.30 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/-
29/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT

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

+1. CC to Mr.R.MANIMARAN Advocate SR.No.1498

GNS

JAM/05/02/2018/PM-PN/ SAR 1 /3P-6C

ORDER

IN

CRL OP(MD) No.739 of 2018

Date :29/01/2018