



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.774 of 2018

1 SANTHOSAM

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, THIRUTHANGAL,
VIRUDHUNAGAR DISTRICT.
CR.NO.14 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.P.SANKARAKUMARAKURUPARAN 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 :-

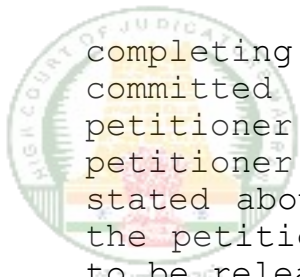
The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 342, 324 and 307 I.P.C., in Crime No.14 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07.01.2018, the defacto complainant and his family members were assaulted by the petitioner with deadly weapon and sustained injuries. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case and he has not involved in the alleged occurrence. Hence he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that totally there are three accused in this case. The petitioner herein is arrayed as A2. He further submitted that injured discharged from the hospital. According to him, investigation is not completed.

5. Considering the submissions made on either side, it disclose that the offences under Sections 294(b), 342, 324 and 307 I.P.C., in Crime No.14 of 2018, has been registered against the petitioner. According to prosecution, the petitioner is a second accused in the alleged occurrence and other two accused in this case were arrested and remanded to judicial custody. As of now, the person, who sustained injuries has been discharged from the hospital after



completing the treatment. Hence, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation. The petitioner herein is the first offender. Therefore, for 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.II, Sivakasi, 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/-

18/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, THIRUTHANGAL,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.774 of 2018

Date :18/01/2018