



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.805 of 2018

S.VIJAYALINGESH

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION
KANYAKUMARI DISTRICT,
KANYAKUMARI
(CRIME NO.224 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.LAJAPATHIROY 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/A1, who apprehends arrest at the hands of the respondent police for the offences under Sections 147,148,294(b),323 and 506(i) I.P.C., in Crime No. 224 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that due to the dispute with regard to Kodai Festival, the petitioner/A1 and other accused persons assaulted the defacto complainant and sustained injuries. Hence, the defacto complainant lodged a complaint against the petitioner/A1 and other accused persons.

3.The learned counsel appearing for the petitioner 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 discharged from the hospital. According to him, investigation is not completed.

5.Considering the submissions made by the learned counsel on either side, it disclose that the offences under Sections 147,148,294(b),323 and 506(i) I.P.C., in Crime No. 224 of 2017, has been registered against the petitioner. According to prosecution, it is alleged that due to the dispute with regard to the kodai



festival, the petitioner herein assaulted the defacto complainant. It is a case of case in counter. According to the prosecution, injured discharged from the hospital. Hence, custodial interrogation of the

petitioner is not necessary for completing the investigation. 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.I, Nagercoil, Kanyakumari, 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.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, KANYAKUMARI

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

+1. CC to M/S.T.LAJAPATHIROY Advocate SR.No.933

JAM/24/01/2018/CM-VR/ SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.805 of 2018

Date :18/01/2018