



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21543 of 2018

SARAVANAN @ SARAVANA KUMAR

... PETITIONER / ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO.141 OF 2018

... RESPONDENT / RESPONDENT/COMPLAINANT

For Petitioner : MR.J.SENTHIL KUMARAIAH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

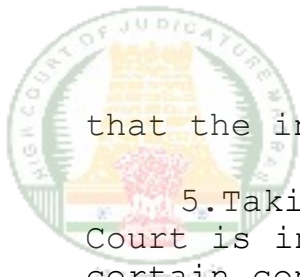
The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 307 and 506(ii) IPC, in Crime No.141 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tea master. On 22.11.2018, the accused came to the tea shop and tried to consume alcohol. The same was questioned by the defacto complainant, there was a quarrel arose between them. Due to which, the accused assaulted the defacto complainant with aruval and abused him with filthy language. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Due to previous enmity, the defacto complainant lodged a compliant as against the petitioner herein. Hence he prayed for grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) would submit



that the injured has been discharged from the hospital.

5. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Vilathikulam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/12/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE

VILATHIKULAM



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to MR.J.SENTHIL KUMARAIAH Advocate SR.No.22906

ORDER

IN

CRL OP (MD) No.21543 of 2018

Date :06/12/2018

MSI/AC/SAR-II/10.12.2018-3P/6C