



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7517 of 2018

C.UDHYAKUMAR

... PETITIONER/ACCUSED No.2

Vs

STATE THROUGH,
THE INSEPCTOR OF POLICE,
KADALAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.34/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.ARUL VADIVEL ALIAS SEKAR, Advocate

For Respondent : M/S.M.ASOKAN, Government Advocate (Crl.Side)

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

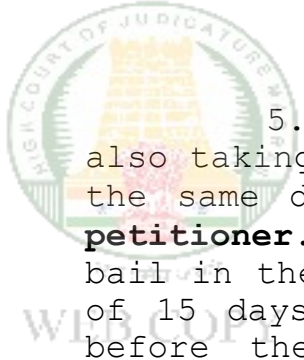
ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 324 and 307 of IPC in Crime No.34 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The petitioner herein is arrayed as A2. The case of the prosecution as per the defacto complainant is that due to wordy quarrel between the petitioner and the defacto complainant during Chithirai festival on 24.04.2018 the petitioner assaulted the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and that A1, and A3 have been released on bail in Crl.O.P.No. 7233 of 2018 dated 28.04.2018 and the petitioner is a trainee police and that the injured has been discharged from the hospital.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police on instruction would submit that the injured has been discharged from the hospital on the same day.



5. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged on the same day, **I am inclined to grant anticipatory bail to the petitioner.** Accordingly, petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Mudhukulathur 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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/-

03/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUTHUKULATHUR, RAMANATHAPURAM DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE INSEPECTOR OF POLICE, KADALAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.ARUL VADIVEL @ SEKAR, Advocate SR.No.8172

ORDER IN

CRL OP(MD) No.7517 of 2018

Date :03/05/2018