



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.7529 of 2018

DAVID RAJA

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSEPCTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.231/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.SUSI KUMAR, 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 :-

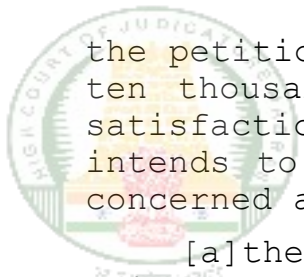
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b) and 506(ii) of I.P.C., and Section 4(1)(a) & 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.231 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that when the petitioner demanded Rs.45/- more than the actual price of the liquor and when the same was questioned by the de-facto complainant, the petitioner is said to have abused the de-facto complainant.

3.The learned counsel for the petitioners submitted that the petitioner is innocent and due to previous motive, he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that one previous case in Crime No.420 of 2017, under Section 294(b), 353, 506(ii) I.P.C. and Section 4(1)(i) of Tamil Nadu Prohibition Act is pending against the petitioner.

5.Considering the facts and circumstances of the case and also taking note of the fact that no one is injured in this case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the sum of Rs.10,000/- or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Valliyoor, 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, VALLIYOOR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSEPCTOR OF POLICE
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.8224

ORDER
IN
CRL OP(MD) No.7529 of 2018
Date :03/05/2018

MS/PN/VK/07.05.2018/2P.6C