



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

Wednesday, the Ninth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7624 of 2018

SANTHIYAGU

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SALAIGRAMAM, POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 34/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.PANNEER SELVAM, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervener : M/S.V.KANNAN, Advocate

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 offence punishable under Sections 341, 294 (b), 323, 506(i) of I.P.C in Crime No.34 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant belonged to the same village and due to previous enmity between them, regarding a land dispute, on 17.04.2018 wordy quarrel arose between them, wherein, unparliamentary words were being used and the petitioner attacked the complainant with stick on her head and back.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned counsel for the intervener made oral submissions objecting the bail.

5.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that this is the second bail application and the earlier bail application was dismissed as withdrawn on 26.04.2018 and the defacto complainant had sustained injuries on head and was discharged from hospital.



6. Heard the learned Counsel for the petitioner, learned Counsel for the intervenor and the learned Government Advocate (Crl. side).

7. Considering the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest 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, Ilayangudi 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 intend 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/-

09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ILAYANGUDI, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.PANNEER SELVAM Advocate SR.No. 8304