



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7626 of 2018

ESAKIMUTHU

... PETITIONER/ACCUSED NO.2

Vs

STATE BY
INSPECTOR OF POLICE
PETTAI POLICE STATION,
TIRUNELVELI
CRIME NO.114 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SAMUEL GUNASINGH Advocate

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

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

ORDER : The Court Made the following order :-

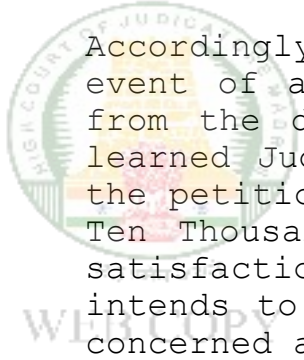
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 353, 294(b) and 506(ii) IPC in Crime No.114 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to some dispute the petitioner is said to have abused the de facto complainant in filthy language and threatened him and also criminally intimidated him. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that no one is injured in this case and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering 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 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 No.V, Tirunelveli, 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/-
09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, PETTAI POLICE STATION,
TIRUNELVELI
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.8235

GNS/TRP
GJM/PMI/GSR/11.5.18-2P-6C

ORDER
IN
CRL OP(MD) No.7626 of 2018
Date :09/05/2018