



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.7677 of 2018

MUTHU,

... PETITIONER/ACCUSED No.5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
CRIME NO.130/2018,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.SENTHIL KUMAR Advocate

For Respondent : MR.K.SUYMABULINGA 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 147, 148, 341, 323, 324, 307 & 506(ii) of IPC in Crime No.130 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that A2 and A3 were having wordy quarrel with the defacto complainant's brother. Therefore, the defacto complainant came near the quarry road, where, the accused persons prevented him and A1 & A7 attacked the defacto complainant with cycle chain, iron rod, out of which, the defacto complainant sustained injuries.

3.The learned counsel for the petitioner submitted that the injured has been discharged from the hospital and petitioner is an innocent person and he has not committed any offences as alleged by the prosecution.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police, on instructions, would submit that totally there are 8 accused in this case and the petitioner is arrayed as A5. He further submitted that the alleged occurrence took place on 19.04.2018 and the accused attacked the defacto complainant with



deadly weapons and now the injured has been discharged from the hospital and the investigation is still pending.

4. Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, this Court is **inclined to grant anticipatory bail to the petitioner/ A5**. 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 Court No.III, 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 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 NO.III, TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.J.SENTHIL KUMAR Advocate SR.No.8261

ORDER IN
CRL OP(MD) No.7677 of 2018
Date :09/05/2018