



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.7685 of 2018

RAJESH KANNA

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KALLA POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.66/2018

... RESPONDENT

For Petitioner : M/S.L.M.VIJAI BOOMINATHAN, 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, 294(b), 323, 324, 506(i) of IPC and Section 4 of TNPWH Act in Crime No.66 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and others scolded and attacked the de-facto complainant with deadly weapons and threatened them with dire consequence.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution, and that this is a case and counter case.

4.The learned Government Advocate [Criminal side] appearing for the respondent Police on instruction would submit that the alleged occurrence took place on 29.04.2018 and the injured has been discharged from the hospital on 06.05.2018 and the investigation is still pending.



5. 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.** 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, Karaikudi 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,
KARAIKUDI, SIVAGANGAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
KALLA POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.8365

ORDER IN

CRL OP(MD) No.7685 of 2018

Date : 09/05/2018