



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19636 of 2018

KALIKUMAR @ MANKUTTI,

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
PULIYAMPATTI POLICE STATION,
PULIAMPATTI,
THOOTHUKUDI DISTRICT.
(CRIME NO.66 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.PRAGALATHAN Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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), 323, 324 and 506(ii) IPC, in Crime No.66 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the petitioner and the defacto complainant with regard to the adopted child and cultivated land. On 22.10.2018, the petitioner assaulted the defacto complainant with wooden log and caused injuries. Hence a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. Hence, anticipatory bail may be granted to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured has been discharged from the hospital.

5. Taking note of the facts and circumstances of the case and also consider the fact that the injured has been discharged from the



hospital, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District 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 said Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/11/2018

/ TRUE COPY /

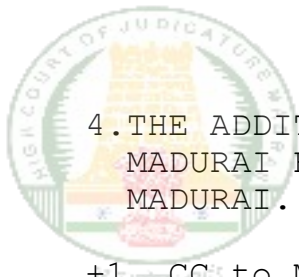
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3.THE INSPECTOR OF POLICE,
PULIYAMPATTI POLICE STATION,
PULIAMPATTI, THOOTHUKUDI DISTRICT.



4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.22247

WEB COPY

ORDER

IN

CRL OP (MD) No.19636 of 2018

Date :28/11/2018

das

AE/VR MMS/SAR3/03.12.2018/3P/6C