



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20571 of 2018

S.SAMUTHIRAM

... PETITIONER / ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.361/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KATHIRESAPERUMAL Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/first accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 341, 342, 353, 332, 324, 506(ii) of IPC., in Crime No.361 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons abused the defacto complainant by using filthy language and this petitioner attacked the defacto complainant by using hands and bitten his hand. Thereafter, the accused persons gave life threat to the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime. He would further submit that co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD).No.20367/2018, dated 14.11.2018. Hence, anticipatory bail may be granted to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is similarly placed as that of the petitioners in Crl.O.P.(MD).No.20367 of 2018 and the petitioner has no previous case.



5. Considering the fact that co-accused were already granted anticipatory bail by this Court, 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, Sivagiri 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner failed 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.

[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]**.

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

sd/-
19/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.



3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.KATHIRESAPERUMAL Advocate SR.No.21760

PS/JC/SAR-4/26/11/2018/3P/6C

ORDER

IN

CRL OP (MD) No.20571 of 2018

Date :19/11/2018