



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

Thursday, the Fifteenth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20424 of 2018

P.KANNAN

... PETITIONER / ACCUSED No.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.311/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.R.A.RAMACHANDRAN, Advocate.

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307, 506(ii) of IPC in Cr.No.311 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that on 06.11.2018, during the Deepavali celebrations the accused persons come by motor bike and quarrelled with the defacto complainant and assaulted the defacto complainant with hands. A1 attempted to attack with aruval. Hence, the complaint.

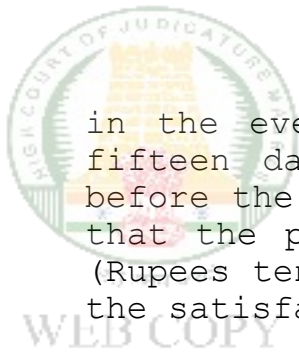
3.The learned counsel for the petitioner would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. The petitioner is arrayed as A2. He is the college student studying in Ambai Arts College, Ambasamudram and going to attend the Semester exams. A1 in this case has been arrested.

4.The learned Government Advocate (Crl. Side) submitted that no one sustained injury in this case.

5.Taking into consideration the facts of the case and the fact that the petitioner is being a college student, this Court inclined to grant anticipatory bail to the petitioner.

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

6.Accordingly, the petitioner is ordered to be released on bail



in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, 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, 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]**.

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

sd/-

15/11/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

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

+1. CC to Mr.S.R.A.RAMACHANDRAN Advocate SR.No.21636.

ORDER

IN

CRL OP(MD) No.20424 of 2018

Date :15/11/2018