



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22908 of 2018

UTHAYAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KALLAPRAMBUR POLICE STATION,
THANJAVUR DISTRICT.
Crime No.104 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN Advocate

For Respondent : Mr.R.ANANDHARAJ, Additional Public Prosecutor

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

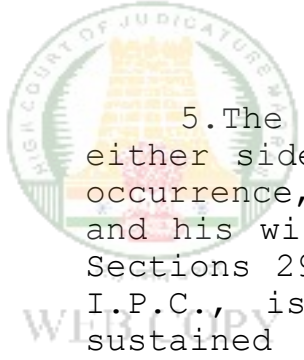
ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.104 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the due to some family dispute, the petitioner abused the defacto complainant in filthy language and also threatened him with dire consequences. The petitioner is said to have attacked the defacto complainant and his wife.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the injured has been discharged from the hospital, after completing the treatment.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein attacked the defacto complainant and his wife. The case has been registered for the offences under Sections 294(b), 323 and 506(i) IPC, in which, only Sections 506(i) I.P.C., is non bailable in nature. As of now, the person, who sustained injury has been discharged from the hospital. Thereby, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with some stringent condition. Accordingly, he 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 No.2, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police as and when required for the purpose of interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
27/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO 2,
THANJAVUR DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
THAJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
KALLAPRAMBUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.24099

ORDER

IN

CRL OP(MD) No.22908 of 2018

Date :27/12/2018

TK/VR/SAR-3/31.12.2018/3P/6C