



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

Monday, the Nineteenth day of November Two Thousand and Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.20607 of 2018

KUMAR

... PETITIONER / ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE,  
THERMAL NAGAR POLICE STATION,  
TUTICORIN,  
TUTICORIN DISTRICT.  
IN CRIME NO.134 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.KRISHNAN Advocate

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

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

**ORDER :** The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC., in Crime No.134 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to fishing profession motive, the petitioners and other persons jointly attacked the defacto complainant and caused injury.

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. Hence, anticipatory bail may be granted to the petitioner. He would further submit that co-accused were already granted anticipatory bail by this Court in Crl.O.P. (MD).No.19102 of 2018, dated 09.11.2018.

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



5. Considering the fact that the injured person has already been discharged from the hospital and also 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;

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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.II, 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 learned 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 daily at 05.00 p.m, for a period of two weeks and thereafter 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/-  
19/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,  
THOOTHUKUDI DISTRICT.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI.

3.THE INSPECTOR OF POLICE,  
THERMAL NAGAR POLICE STATION,  
TUTICORIN,  
TUTICORIN DISTRICT.

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

+1. CC to Mr.S.KRISHNAN Advocate SR.No.21907.

ORDER

IN

CRL OP(MD) No.20607 of 2018

Date :19/11/2018

RAM/JC/SAR 1/26.11.2018/3P/6C