



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20915 of 2018

KALAISELVAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
THOOTHUKUDI.
(CRIME NO.96/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.BALAJI Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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 147, 341, 294(b), 323 and 506(ii) of IPC in Crime No.96 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that on 08.06.2015, when the defacto complainant and his friend were returning home, the petitioner and other accused persons are said to have waylaid and abused them with filthy language and started to assault them with stick, due to which, he sustained simple injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that investigation has been completed and to that effect, the respondent police laid charge sheet before the Judicial Magistrate, Srivaikundam and the same was taken on file in C.C.No.365 of 2015.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

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, Srivaikundam, 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 Judicial Magistrate, Srivaikundam on all hearing dates.

[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/-
26/11/2018

/ TRUE COPY /

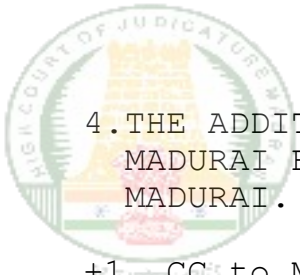
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM

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

3. THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
THOOTHUKUDI,



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

+1. CC to MR.S.BALAJI Advocate SR.No.22068

WEB COPY

ORDER

IN

CRL OP(MD) No.20915 of 2018

Date :26/11/2018

AE/JC/SAR4/30.11.2018/3P/6C