



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

Wednesday, the Twenty Ninth day of August Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15311 of 2018

P. KATHIRESAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
1 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT., NAGERCOIL

2 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT,
IN CRIME NO. 34 OF 2018

...RESPONDENTS / COMPLAINANTS

3 C. RAMALINGAM

... 3RD RESPONDENT / DEFACTO COMPLAINANT

For Petitioner : M/S.K.MEENAKSHI SUNDARAM Advocate

For Respondents : Mr.V.NEELAKANDAN Additional Public Prosecutor

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

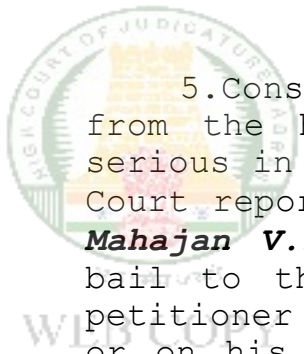
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506 (ii) I.P.C. and 3 (1)(r), 3(1)(s) of SC/ST Act (POA) Amendment Act, 2015 in Crime No.34 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 05.02.2018, the petitioner and the other accused attacked the *de facto* complainant with iron rod and stick and also abused him by using his Caste name. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices> 4.The learned Additional Public Prosecutor appearing for the respondent submitted that the injured has been discharged from the hospital.



5.Considering the fact that the injured has been discharged from the hospital and except SC/ST Act, other offences are not serious in nature, this Court, by following the judgment of the Apex Court reported in **(2018) 6 Supreme Court Cases 454-Subash Kashinath Mahajan V.State of Maharashtra**, is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.III, Nagercoil, Kanyakumari District and on his executing 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 Judge concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks from the date of receipt of a copy of this order. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner shall appear before the concerned Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

29/08/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
NAGERCOIL,KANYAKUMARI DISTRICT.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT,
NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MEENAKSHI SUNDARAM Advocate SR.No.16424

ORDER

IN

CRL OP(MD) No.15311 of 2018

Date :29/08/2018