



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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7522 of 2019

JUDSON

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
NAZERETH POLICE STATION,
TUTICORIN,
TUTICORIN DISTRICTT,
in CRIME NO.102/ 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SENTHIL SANKARA NATHA KUMAR, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

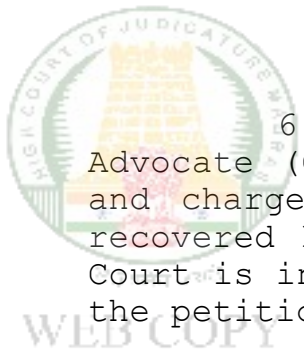
The petitioner, who was arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(i) I.P.C in Crime No.102 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that at the time of occurrence, when the defacto complainant was driving his vehicle, the petitioner along with other accused waylaid the said vehicle and attacked the defacto complainant. Due to that, the defacto complainant sustained simple injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that in this case, after completing the investigation, charge-sheet has been filed.

5.The submissions made by the learned counsel appearing on either side are considered.



6.As per the submissions made by the learned Government Advocate (Crl.Side), investigation in this case has been completed and charge-sheet has also been filed. Hence, nothing has to be recovered by way custodial interrogation. In view the same, this Court is inclined to grant anticipatory bail with some conditions to the petitioner.

7. 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, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 as well as the sureties shall submit a copy of their Aadhar card or any other Identity cards issued by the Government, in proof of their address, along with the surety bonds.
- ii) the petitioner shall appear before the trial court daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A I.P.C.
- (v) 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/-
29/05/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE
SATHANKULAM, THOOTHUKUDI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAZERETH POLICE STATION, TUTICORIN ,
TUTICORIN DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7522 of 2019
Date :29/05/2019

VS
PK/JC/SAR-2/04.06.2019 : 3P/5C