



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fifth day of August Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.15144 of 2015

SUNDER XAVIER

YESUDHAS

... PETITIONER 1 &2/ACCUSED Nos.1&2

Vs

STATE REP BY INSPECTOR OF

ARUMANAI POLICE STATION,

KANYAKUMAR DISTRICT.

... RESPONDENT/COMPLAINANT

(CRIME NO.367 OF 2015)

For Petitioner : M/S.M.R.SREENIVASAN Advocate

For Respondent : S.PRABHA Govt. Advocate (Crl. Side)

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

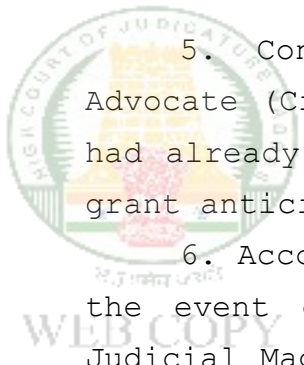
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b,323,324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.367 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that there is a pathway dispute between the petitioners and the de-facto complainant and the petitioners abused the de-facto complainant's wife since the waste water came from the house of the de-facto complainant's flown into the house of the petitioners. Hence, there was a wordy quarrel arisen between the petitioners and the de-facto complainant and hence the case was registered against the petitioners.

3. The learned Counsel appearing for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. He further submits that the case is a case in counter and the second petitioner is a heart patient.

4. It is submitted by the learned Government Advocate (Crl.Side) that the injured person had already been discharged from the hospital. She further submits that it is a case of case and counter.



5. Considering the submissions made by the learned Government Advocate (Crl.side) and also considering the fact that the injured person had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate Court.No.I, Kuzhithurai, and each of them 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 Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 am. for period of two weeks and thereafter as and when required and the first petitioner shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

05/08/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1, KUZHITHURAI
2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT
3 STATE REP BY INSPECTOR OF ARUMANAI POLICE STATION,
KANYAKUMAR DISTRICT.
4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.44112

ORDER IN

CRL OP(MD) No.15144 of 2015

Date :05/08/2015

JAM/AMF/SAR-I/7.8.15/2P-6C