



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

Monday, the Thirtieth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.20908 of 2014

WEB COPY

1 TAMILSELVAM
2 TAMIL ARASAN
3 PONNUSAMY
4 SURESH
5 SELVAKUMAR
6 SASIKUMAR

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE
NATHAM TALUK POLICE STATION,
NATHAM, DINDIGUL DISTRICT
CRIME NO.418 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. S.M.A. JINNAH Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

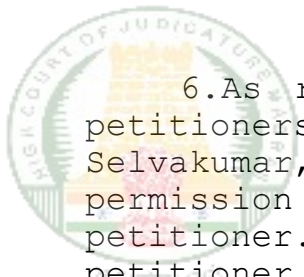
Apprehending arrest at the hands of the respondent police in Crime No.418 of 2014, on the file of the respondent police for offences under Sections 147, 323, 379(NP) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2.Earlier the matter was referred to the Mediation and Conciliation Centre and a failure report dated 20.03.2015 has been sent.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

4.The de-facto complainant in this case is the wife of A1 (1st petitioner). It is a case and counter and the counter case is in Crime No.423 of 2014. The de-facto complainant in both the cases have been discharged from the hospital. It essentially appears to be a matrimonial dispute. Therefore, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners, but with conditions.

5.The learned Government Advocate (Crl. Side) submits that there is no case against the 6th petitioner. Accordingly, this petition is dismissed as far as the 6th petitioner is concerned.



6.As regards the 5th petitioner, the learned counsel for the petitioners submits that his name has been wrongly typed as Selvakumar, but his actual name is Sivakumar and therefore, he seeks permission to file fresh anticipatory bail application for the 5th petitioner. Hence, this petition is dismissed as regards 5th petitioner.

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7. Accordingly, the petitioners 1 to 4 are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Natham, on executing a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioners 1 to 4 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 1 to 4 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 1 to 4 shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 to 4 in accordance with law as if the conditions have been imposed and the petitioners 1 to 4 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/-
30/03/2015

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NATHAM
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE NATHAM TALUK POLICE STATION,
NATHAM,DINDIGUL.
- 4 THE ADDL.PUBLIC PROSEUCTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. S.M.A. JINNAH Advocate SR.No.15645
ORDER IN
CRL OP(MD) No.20908 of 2014
Date :30/03/2015