



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5128 of 2015

1 M.HEMA
2 M.PADMAVATHI
3 V.A.MERCY PATHMAVATHY
4 J.ASHOK VICTOR

..PETITIONERS/ACCUSED 1 TO 4

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
SAYARPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 45 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.AJMAL ASSOCIATES Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 506 (i) IPC and Section 4 of TNPWH Act, 2002 in Crime No.45 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Senior Counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that the victim in this case by name Rudhsaini is a student studying in 1st year B.E. in Holy Cross Engineering College, Thoothukudi and that she attempted to commit suicide by jumping from the terrace of the college hostel. On enquiry, it appears that these petitioners, who are teachers had found her copying in the examination and they had chastised her. Imbued with feeling of guilty, it appears that she jumped from the terrace.

4. Learned Government Advocate (Crl.Side) submits that the injured has been discharged from hospital.

5. It is seen that these petitioners, who are teachers, are in the position of parents and I do not find anything wrong, if they had upbraided an erring student. Under such circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to these petitioners. Accordingly, the petitioners 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 No.1, Thoothukudi, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) **without sureties** to the satisfaction of the respondent police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



[a] the petitioners shall report before the respondent police as and when required for interrogation.

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

[c] the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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/-
19/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

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

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECTOR OF POLICE, SAYARPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.13627

ORDER IN
CRL OP(MD) No.5128 of 2015
Date :19/03/2015

PBK 23/03/2015 ::2P-6C: