



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.5873 of 2015

WEB COPY

1 KANI
2 MARIAMMAL
3 CHITRA

... PETITIONERS/ACCUSED Nos.1,3 AND 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CHEERNTHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.99 OF 2015).

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.J.CHAKKARAVARTHY
FOR M/S.EDDY AND EMBOSS LAW FIRM 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.99 of 2015, on the file of the respondent police for offences under Sections 147, 294(b), 323, 506(ii) IPC r/w Section 4 of TNPWH Act, the petitioners are now before this Court seeking Anticipatory Bail.

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

3.It is the case of the prosecution that these petitioners and the de-facto complainant are neighbours and that a dispute arose between them when the de-facto complainant questioned the petitioners as to why they were unnecessarily beating a small boy by name 'Salmaan'. Angered by the interference of the de-facto complainant, the petitioners had allegedly assaulted the de-facto complainant and her mother-in-law.

4.Learned Government Advocate (Crl. Side) submits that the injured had been discharged from the hospital. Under such circumstances, since the injured had been discharged from the hospital and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



5. 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, Tenkasi, 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 shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter 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].

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioners are complying with the condition or not.

sd/-
30/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE, CHEERNTHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.EDDY AND EMOSS LAW FIRM Advocate SR.No.15445