



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

Wednesday, the Twenty First day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.867 of 2015

1 P.JAWAHAR
2 J.THILAKA
3 T.ASARIYA

... PETITIONERS/ACCUSED 1 TO 3
Vs

THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SAMIDURAI 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 :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 294(b), 506(1) I.P.C. and Section 4 of Tamilnadu Protection of Women from Harassment Act in Crime No. 10 of 2015 on the file of the respondent police, seek anticipatory bail.

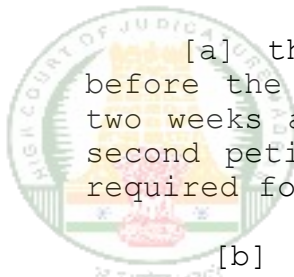
2. The case of the prosecution is that these petitioners attacked the defacto complainant by hands and hence a case has been registered.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offences as alleged in the F.I.R. and hence, seeks anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) submitted that the injured person has already been discharged from the hospital and no previous case has been registered against the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Nanguneri on condition that each of the petitioner shall execute 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 satisfaction of the learned Magistrate concerned and on further condition that:



[a] the petitioners 1 and 3 shall stay at Radhapuram and report before the Radhapuram Police Station daily at 10.30a.m. for a period of two weeks and thereafter as and when required for interrogation and the second petitioner 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 Judicial 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 Judicial 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/-
21/01/2015

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

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION, RADHAPURAM.
4. THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.SAMIDURAI Advocate SR.No. 2654

SR : 23.01.2015 : 2P/7C

ORDER
IN
CRL OP(MD) No.867 of 2015
Date :21/01/2015