



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13453 of 2016

1 MADASAMY
2 SUDALAIMADI
3 IDHAYA BANU

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NALLITINPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.196 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.RAMASAMY Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

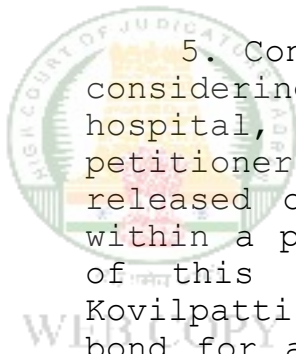
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.196 of 2016, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners attacked the defacto complainant with sticks and abused her in filthy language and also threatened with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital and the investigation of the case is pending. He further submitted that this is the case and counter case.



5. Considering the facts and circumstances of the case and also considering the fact that injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the 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.I, Kovilpatti on condition that each of the petitioners 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 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 first petitioner shall report before the respondent police daily at 10.00 am until further orders and the petitioners 2 and 3 being ladies shall appear 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the condition or not.

sd/-

01/08/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE, NALLITINPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S S.RAMASAMY Advocate SR.No.41055
RL/6C/2P/ARK/PV/SARII/4/8/2016

ORDER

IN

CRL OP(MD) No.13453 of 2016

Date :01/08/2016