



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

Thursday, the Fourth day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.13863 of 2016

1 THANGASAMY

2 MUTHAIAH

3 RAKKU

... PETITIONERS/ACCUSED A1 TO A3

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.75 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MURUGAPPAN Advocate

For Respondent : Mr.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 Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 323 and 355 IPC, in Crime No.75 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the de facto complainant are husband and wife and the other petitioners are the in-laws of the de facto complainant. On 18.07.2016 at about 01.00 p.m., due to family dispute, the petitioners attacked the de facto complainant with stick and caused simple injuries. On complaint, a case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.



4.It is submitted by the learned Government Advocate (Crl.Side) that the injured person sustained only simple injury.

5.Considering the facts and circumstances of the case and also considering the fact that the injured person sustained only simple injury, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Aruppukkottai, Virudhunagar District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the first petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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 conditions or not.

sd/-

04/08/2016

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

TO

1 THE JUDICIAL MAGISTRATE

ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT



2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT

3 THE SUB INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R. MURUGAPPAN Advocate SR.No.41925

ORDER
IN
CRL OP(MD) No.13863 of 2016
Date :04/08/2016

smn
SH/ARK-PV/SAR-I:08.08.2016:3P/6C