



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

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.13953 of 2016

1 BALAMURUGAN
2 ANITHA
3 SEENI THAI

... PETITIONERS/A1 TO A3

Vs

THE SUB INSPECTOR OF POLICE
ODAIPATTI POLICE STATION, THENI DISTRICT.
CRIME NO.100 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.VIDYA Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

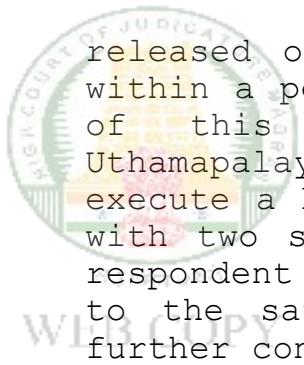
The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 324 IPC and Section 4 of Tamilnadu Women Harassment Act, in Crime No.100 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 and A2 are husband and wife. A3 is the mother-in-law of A1. The defacto complainant and A1 have been working together and at that time defacto complainant borrowed money from A1. When the petitioners tortured her to repay the amount, defacto complainant lodged a complaint. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. When A1 asked his money from the defacto complainant, she gave a complaint against his family members also. They are no way connected in this case.

4.The learned Government Advocate (Criminal side) submitted that this is a case and case in counter and the injured person escaped from the hospital to evade the enquiry conducted by the respondent police in the complaint given by the petitioner and his family members against defacto complainant.

5.Considering the facts and circumstances of the case and also considering the fact that already injured escaped from the hospital, 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, Uthamapalayam, 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 10.30 a.m. until further orders and the petitioners 2 & 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/-

05/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE SUB INSPECTOR OF POLICE, ODAIPATTI POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.VIDYA Advocate SR.No. 42329

PJL

JA-KBM-SAR.I/11.08.2016-2P:6C

ORDER IN

CRL OP(MD) No.13953 of 2016

Date :05/08/2016