



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14281 of 2016

1 C.MURUGESAN
2 S.KALAIYARASI

... PETITIONER / ACCUSED No.1 & 2

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME. NO.103/2016.)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. K. BALAMURUGAN Advocate
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

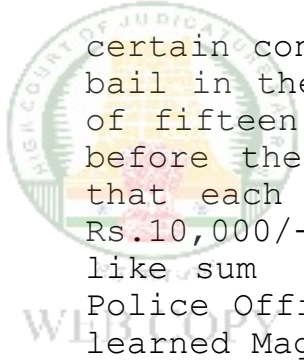
The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355 and 506(i) IPC and Section 4 of TNWH Act, in Crime No.103 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first accused and they got divorced and there was a dispute with regard to have custody of their children and in view of that, the petitioners attacked her and abused her in filthy language. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that it is a case and case in counter and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter, 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, Thirupattur, 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 second petitioner 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/-

10/08/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S. K. BALAMURUGAN Advocate SR.No.43371

ORDER

IN

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Date :10/08/2016