



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

Tuesday, the Twenty Fifth day of October Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20447 of 2016

1 R.SENTHIL
2 R.VASANTHI

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE
SOUTH POLICE STATION, TUTICORIN DISTRICT
CR. NO. 1176 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SENTHIL SANKARA NATHA KUMAR, Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government 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 offence punishable under Sections 294(b), 323 IPC and Section 4 of Women Harassment Act, in Crime No.1176 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the de facto complainant and the 1st petitioner are husband and wife and due to some matrimonial dispute the de facto complainant left the matrimonial home. On 16.10.2016, the petitioners entered into the house of the de facto complainant and attacked her and also her mother.

4.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and prays for anticipatory bail in favour of the petitioners.

5.The learned Government Advocate (Crl.side) submitted that it is a case of counter and injured person has been discharged from the hospital.



6.Considering the facts and circumstances of the case and also considering the fact that the injured person 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 his 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, Tuticorin, on condition that 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 1st petitioner shall report before the respondent Police daily at 10:30 am until further orders and the 2nd petitioner shall report before the respondent Police initially for a period of one week daily at 10.30 a.m. and thereafter, as and when required.

[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]**.

sd/-
25/10/2016

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN
- 2 THE CHEIF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
SOUTH POLICE STATION, TUTICORIN DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SENTHIL SANKARA NATHA KUMAR, Advocate, SR.No.63406
ORDER
IN
CRL OP(MD) No.20447 of 2016
Date :25/10/2016