



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

Wednesday, the Second day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20845 of 2016

1 VADIVEL MURUGAN
2 ELAKKIYA
3 MURUGAN
4 LINGA SARASWATHI

... PETITIONERS /ACCUSED NOS.1 TO 4

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.388 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.CHRISTOPHER, Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(ii) IPC and Section 4 of TNPHW Act, 1998 in Crime No.388 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the defacto complainant is a member of Women Self Help Group and the children of the petitioners have stolen away the garments, which were kept for sale by the defacto complainant, for which, the defacto complainant lodged a complaint against those children and that enraged by the same, the petitioners, who are parents, are said to have abused the defacto complainant in filthy language and also assaulted her, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case.

5. Learned Government Advocate (Crl.Side) submitted that nobody sustained injury in the alleged occurrence and that there is no previous case as against the petitioners.



6. Considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of these petitioners is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Thiruchendur, Thoothukudi District, subject to the following conditions:**

(i) **each of the petitioner shall** execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with common two sureties** 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 Magistrate concerned;

(ii) **the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-

02/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3 THE SUB INSPECTOR OF POLICE, TIRUCHENDUR POLICE STATION, THOOTHUKUDI DT.

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

+1. CC to M/S.C. CHRISTOPHER, Advocate SR.No.65249.

ORDER IN

CRL OP(MD) No.20845 of 2016

Date : 02/11/2016