



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

Friday, the Eleventh day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21014 of 2016

1 SIVAMOORTHY
2 YOGESHWARAN
3 KARUNAKI DEVI @ KARUNA
4 SELVAKUMARI

... PETITIONERS/ ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT
(IN CRIME NO.553 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VIVEK KUMAR Advocate

For Respondent : MRS.S.PRABHA, Govt. 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 and 506(i) of I.P.C., and Section 4 of Women Harassment Act in Crime No.553 of 2016 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 29.10.2016, a wordy quarrel arose between the petitioners and the de-facto complainant and thereafter, the petitioners said to have assaulted the de-facto complainant.

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

4. The learned Government Advocate (Crl.side) submitted that the injured has been discharged from the hospital.



5. Considering the facts and circumstances of the case and that the injured 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners shall report before the respondent police daily at 10:30 a.m. until further orders.

[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/-

11/11/2016

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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

4 THE SUB INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT

+1. CC to M/S.M.VIVEK KUMAR Advocate SR.No.68758.

ORDER

IN

CRL OP(MD) No.21014 of 2016

Date :11/11/2016