



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

Tuesday, the Eighth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21188 of 2016

ASHOK KUMAR

... PETITIONER/A2

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
KALLUGUMALAI POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO. 156/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.PON SENTHIL KUMARAN 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 :-

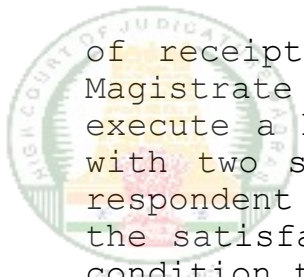
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 of I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.156 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.10.2016, when the de-facto complainant's son went to attend nature's call near the house of the accused, he abused him in filthy language and when the same was questioned by the de-facto complainant, she was abused and assaulted with hands by the accused.

3. It is submitted by the learned counsel for the petitioner that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl.side) submitted that the de-facto complainant has sustained simple injury and the prime accused was already arrested and released on bail.

5. Considering the facts and circumstances of the case and that the de-facto complainant has sustained simple injury and the prime accused was already arrested and released on bail, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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, Kovilpatti, on condition that the petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

08/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALLUGUMALAI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.PON SENTHIL KUMARAN Advocate SR.No.66856

AKV

CSL/PV/SAR-I/14.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.21188 of 2016

Date :08/11/2016