



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

Friday, the Eleventh day of November Two Thousand Sixteen

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PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21543 of 2016

1 JUSTIN PRAKASH
2 BABU

... PETITIONERS/ACCUSED Nos.1 & 2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT
CR. NO. 458 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SAMIDURAI Advocate

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

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

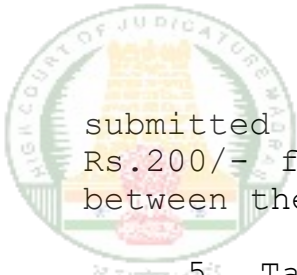
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353 and 342 of I.P.C., in Crime No.458 of 2016 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side).

3. The case of the prosecution is that the de-facto complainant is the Postman and on 24.10.2016 at about 15.00 hrs., when the de-facto complainant went to the petitioner's school to deliver the passport of first petitioner's wife and son, he sought I.D. Proof to hand over the passport, but the first petitioner without giving the same, abused the de-facto complainant and along with the second petitioner attacked him with hand.

4. 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. It is further
<https://hcservices.ecourts.gov.in/hcservices/>



submitted that the de-facto complainant has demanded a sum of Rs.200/- for delivery of parcel and hence, a wordy quarrel arose between them and a false case has been foisted against them.

5. Taking note of the submissions made by both sides, this Court is of the view that the custodial interrogation of the petitioners is not required at this stage. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners and 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, Kodaikanal 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 10.00 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, KODAIKANAL
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,
KODAIKANAL, DINDIGUL DISTRICT

+1. CC to M/S.K.SAMIDURAI Advocate SR.No.68485.

ORDER

IN

CRL OP(MD) No.21543 of 2016

Date : 11/11/2016