



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

Thursday, the Eighth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23120 of 2016

1 NONDICHAMY
2 RAMKI
3 VINOTH

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.193/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.VIJAYASETHUPATHY Advocate
For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

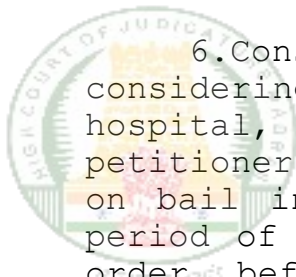
The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 323 and Section 4 of Tamilnadu Women Harassing Prohibition Act, in Crime No.193 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that all the accused abused the defacto complainant with filthy language and attacked with stick and aluminium vessel due to which the defacto complainant sustained simple injury.

4.It is submitted by the learned counsel for the petitioners that the first accused, who is the husband of the defacto complainant has issued notice for divorce and thereafter, the defacto complainant has given a false complaint implicating the in-laws in this case.

5.The learned Government Advocate (Crl.side) submitted that totally there are three accused and there is land dispute between the defacto complainant and the accused in this case and injured has been discharged from the hospital.



6. Considering the facts and circumstances of the case and considering the fact 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, Melur, on condition that the petitioners shall execute a separate 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 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.

[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/-

08/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.VIJAYASETHUPATHY Advocate SR.No.80208

ORDER

IN

CRL OP(MD) No.23120 of 2016

Date :08/12/2016