



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

Wednesday, the Twenty Fifth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CRL OP(MD) No.8223 of 2016

1 ESWARAN
2 MARISAMY
3 KODIESWARAN
4 CHELLAPANDI

... PETITIONERS/ACCUSED 1 TO 4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
CRIME 136/2016
VIRUDHUNAGAR DISTRICT.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.R.RAJAMOHAN ADVOCATE

FOR RESPONDENT : MR.A.P.BALASUBRAMANI, GOVERNMENT ADVOCATE(CRL.SIDE)

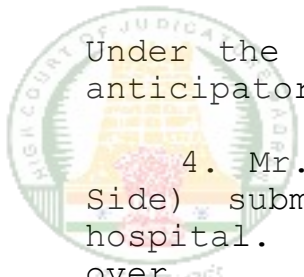
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 323, 506(ii) of I.P.C., r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.136 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that when the de-facto complainant questioning about the stone and wooden log laid on the western side of his house, the petitioners have attacked the de-facto complainant, his wife and his sister with hands and also abused them in filthy language.

3. Mr.R.Rajamohan, learned counsel for the petitioners submits that pursuant to the wordy quarrel, the occurrence is reported by the de-facto complainant. He further submits that the petitioners are innocent and they have been falsely implicated in the present case and they have not committed any offence as alleged by the de-facto complainant and now they are having apprehension of arrest.



Under the said circumstances, the petitioners are entitled to get anticipatory bail.

4. Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital. He further submitted that the investigation is almost over.

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5. Considering the facts and circumstances of the case and that the injured has already 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 No.I, Viruthunagar, on their executing 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 petitioners shall appear 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] the petitioners shall comply with the conditions stipulated under Section 438 of Cr.P.C., scrupulously.

[e] 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/-
25/05/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.R.RAJAMOHAN Advocate SR.No. 26937

ORDER

IN

CRL OP(MD) No.8223 of 2016

Date :25/05/2016

SRM/AKV

TE/AN-MP/SAR-I : 25/05/2016 : 3P/6C