



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

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11216 of 2017

1 AYYANKALAI

2 JOTHI @ NAGAJOTHI

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PUDUR POLICE STATION, VILATHIKULAM TALUK,
TUTICORIN DISTRICT.
CRIME NO.68 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.THIRUMAL Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

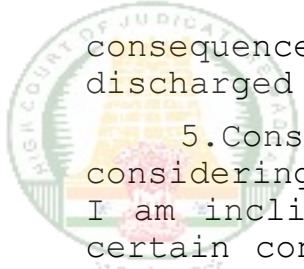
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 506(i) of I.P.C read with Section 4 of Women Harassment Act in Crime No.68 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the accused scolded and also threatened the defacto complainant with dire consequences.

3.The learned counsel appearing for the petitioners submitted that the defacto complainant is daughter of the Aunt of the 1st petitioner herein and she borrowed hand loan from the 1st petitioner and neglected to repay the same and on 20.08.2017 when the petitioners and defacto complainant were attended a family function, the petitioners asked to repay the said amount and aggrieved by the same, the present false complaint has been lodged. The petitioners are innocent and they have not committed any offence, as alleged in the F.I.R.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case and the petitioners herein are arrayed as A1 and A2. There are dispute in respect of money transaction, which lead to wordy quarrel and A1 said to have used filthy language and also attacked with hands and caused simple injuries on the defacto complainant and A2 also said to have threatened her with dire



consequences. He also submitted that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case also considering the fact that injured was discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Vilathikulam, Thoothukudi District on condition that each petitioners 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 petitioners shall report before the respondent Police, as and when required, for interrogation, since the marriage of daughter of the petitioners is scheduled to be held on 03.09.2017,

[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/-
31/08/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PUDUR POLICE STATION, VILATHIKULAM TALUK, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.THIRUMAL Advocate SR.No.29679

ORDER
IN
CRL OP(MD) No.11216 of 2017
Date : 31/08/2017