



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

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13955 of 2017

1 PRATHEESH
2 ABILASH
3 NAGAMMAL

... PETITIONERS / ACCUSED NO.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.252 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.R.SREENIVASAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

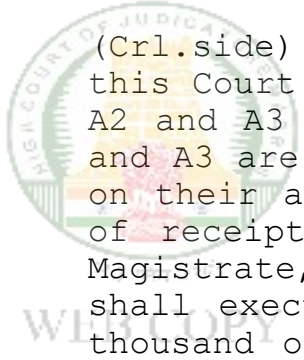
The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i), 120(B) IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.252 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is none other than the wife of the first petitioner and other petitioners are the in-laws of the de-facto complainant. On 18.08.2017 at 11.30 a.m., the first petitioner attacked the de-facto complainant. Aggrieved by the same, the de-facto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the injured person has been discharged from the hospital and the investigating is still pending.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate



(Crl.side) that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners A2 and A3 with certain conditions. Accordingly, the petitioners A2 and A3 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.II, Kuzhithurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners A2 and A3 shall appear before the respondent police as and when required for interrogation;
- (ii) the petitioners A2 and A3 shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners A2 and A3 shall not commit any offence while on bail;
- (iv) 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 and the bail granted stands cancelled automatically.

6.In respect of the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner/A1 alone.

sd/-
13/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.32834

ORDER IN
CRL OP(MD) No.13955 of 2017
Date :13/10/2017