



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

Friday, the Seventeenth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15749 of 2017

1 CHELLAIAH
2 KALIMUTHU

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
CHETTINADU POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO.69 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BHARATHY KANNAN Advocate

For Respondent : Mr.C.MAYILVAHANA RAJENDRAN,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 323 and 324 of I.P.C., in Crime No.69 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the husband of the Accused No.3. There was family dispute between the petitioners and the defacto complainant and thereby, the petitioners attacked the defacto complainant caused injuries. Hence, a case has been registered against the petitioners for the aforesaid offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the defacto complainant attacked the Accused No.3 and thereby, her pregnancy was aborted and by suppressing the fact the defacto complainant gave a false complainant against the petitioners and A3.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor appearing for the



State would submit that the injured was discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 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 shall report before the respondent police, daily at 10.30 a.m., for a period of two weeks, and thereafter, as and when required for interrogation, ;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) 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 anticipatory bail granted stands cancelled automatically.

sd/-
17/11/2017

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
KARAIKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
CHETTINADU POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.S.BHARATHY KANNAN Advocate SR.No. 34646

JAM/23/11.17/CM-VR/SAR 3/ 3P-6C

ORDER
IN
CRL OP(MD) No.15749 of 2017
Date :17/11/2017