



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

Wednesday, the Fifteenth day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1607 of 2017

1 T.MOHAMED SIKKANDAR BATCHA
2 NOORJAHAN

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
ILAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT
CRIME NO. 6/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY 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 :-

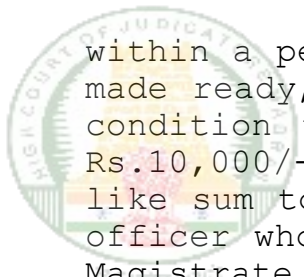
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 448, 294 (b), 323, 324, 506(ii) and 363 IPC and Section 4 of Women Harassment Act, 2002 in Crime No.6 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners trespassed into the house of the de facto complainant, abused her in filthy language and attacked her with iron rod and thereby causes simple injury.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that totally there are 2 accused, who are the petitioners herein and injured person was discharged from the hospital and investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that injured person was discharged from the hospital, the court is 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Illayankudi, on condition that the 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 daily at 10.30 a.m. for a period of 3 weeks.

[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/-
15/02/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ILAYANKUDI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
ILAYANKUDI POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.8525

NBJ
CSL/MSA/SAR-I/22.02.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.1607 of 2017
Date :15/02/2017