



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16762 of 2017

SUNTHARAMURTHI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
MUTHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.213 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

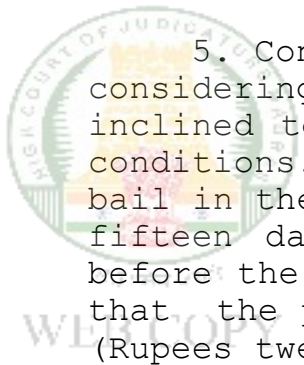
ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323 of IPC read with Section 4 of Women Harassment Act, in Crime No.213 of 2017, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The allegation against the petitioner is that due to family dispute, on 28.11.2017, the petitioner attacked the defacto complainant with hands and abused her using filthy language. Thereby, the defacto complainant lodged a complaint against the petitioner before the Law Enforcing Agency. On Complaint, case has been registered for the above said offences against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that on 28.11.2017, the defacto complainant attacked the petitioner using grinder stone and he sustained injuries and taken treatment in hospital and thereby lodged a complaint against the defacto complainant and the same was registered in Crime No.212 of 2017. It is a case and case in counter.

4. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that this is a case and counter case, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Muthukulathur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) 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 petitioner shall report before the investigation officer as and when required;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
06/12/2017

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3. THE SUB INSPECTOR OF POLICE,
MUTHUKULATHUR POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.35777

ORDER IN
CRL OP(MD) No.16762 of 2017
Date :06/12/2017

MS/CM-VR/SAR.1/11.12.2017/2P.6C