



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

Thursday, the Seventh day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16857 of 2017

1 R.SELVAM
2 MAHENDRAN
3 AMMAIAPPAN

...PETITIONERS/ACCUSED No.3 to 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.223 OF 2016)

...RESPONDENT/COMPLAINANT

For Petitioner : Mr.T.KANAGARAJ Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

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.3 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 323, 324 and 506 (i) of IPC in Crime No.223 of 2016, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant married the sister of the accused No.1. Thereafter, since there was a family dispute between the petitioner's family and the defacto complainant's family, the petitioners attacked the defacto complainant, thereby he sustained injuries. Hence, the defacto complainant has lodged this complaint before the respondent police. Earlier, the sister of accused No.1 has lodged a complaint against the defacto complainant under the Dowry harassment Act and the same is pending. This is a case and case in counter.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. This case was foisted against the petitioners only with the previous enmity between them.



4. The learned Government Advocate (Criminal side) would submit that only due to the family dispute between the parties they gave complaint against each other. However, the injured person has been discharged from the hospital.

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 person has been 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, 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, 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 not abscond either during investigation or trial;

(iv) the petitioners 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 petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

07/12/2017

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

TO

1 THE JUDICIAL MAGISTRATE
SIVAGIRI

