



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

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17633 of 2017

1 N. KARNAN
2 K. AVINKUMAR

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION, RAMNATHAPURAM.
CR.NO.652 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.R.THAMOTHAR RAJ Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Cr1. Side)

For Intervenor : MR.R.MURUGAN Advocate

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 and 2, who were arrested and remanded to judicial custody on 14.12.2017, for the alleged offences punishable under Sections 294(b), 323, 327, 307 of I.P.C., and Section 4 of the Prohibition of Women Harassment Act, in Crime No.652 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to family dispute between the petitioner's family and the defacto complainant, thereby, the petitioner and her family members attacked the defacto complainant. As a result, he sustained injuries. Hence, the defacto complainant gave a complaint before the respondent police.

3. The learned counsel appearing for the petitioner submitted that this Court granted anticipatory bail to the accused no.3 in Cr1.O.P.(MD)No.17375 of 2017, dated 18.12.2017. Now the present petitioners are A1 and A2. Since all other accused persons were released on bail, he prays for grant of bail to the petitioners also. He further submitted that he did not commit any offence as alleged by the prosecution.

4.The learned counsel appearing for the intervenor would submit that the police intentionally gave a false news before the Lower Court as well as this Court as if the injured person was forcibly



discharged from the hospital. Thereafter, they were re-admitted in the hospital, for which, concerned police officer issued memo to the Inspector of Police.

5.The learned Government Advocate (Criminal side) appearing for the State on instructions would submit that on 18.12.2017, the injured person was discharged from the hospital. Thereafter, the defacto complainant went to the hospital and enquired that who has discharged the injured person and quarrelled with the staff nurse and other accused persons. But already, this Court granted anticipatory bail to the accused no.3, who was admitted in the same hospital, for which Ramnagar Police Station, registered a case against the advocate appeared on behalf of the defacto complainant/intervenor and other accused persons and no memo was issued against any police officer. The statement given by the learned counsel for the intervenor is false and it was given at the instigation of advocate, who was implicated in the subsequent case and the victim was readmitted in the hospital in order to prevent the petitioner to come out on bail.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant bail to the petitioners/A1 and A2 with certain conditions. Accordingly, the petitioners /A1 and A2 are ordered to be released on bail, subject to the following conditions:

(i)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 learned Judicial Magistrate No.I, Ramnagar;

(ii) the first petitioner/A1 shall report before the respondent police, daily at 10.30 a.m., for a period of two weeks and the second petitioner/A2 shall report before the respondent police as and when required;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

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

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



(vii) 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.

sd/-

22/12/2017

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMNAD.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMATHAPURAM DISTRICT.
- 3 THE OFFICER IN CHARGE,
SUB JAIL, RAMNAD.
- 4 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION, RAMANATHAPURAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to M/S.R.R.THAMOTHAR RAJ Advocate SR.No.36926
+1. CC to M/S.R.MURUGAN Advocate SR.No.36976

ORDER

IN

CRL OP(MD) No.17633 of 2017

Date :22/12/2017

MKV-RM-SAR 1/22.12.2017/3P-8C