



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18041 of 2017

S.BALASUBRAMANIAN

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE OF TAMILNADU
REP BY ITS, THE INSPECTOR OF POLICE,
SANKARANKOIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.707 OF 2017.

2 T.NITHYAKALYANI

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.ANANTH C. RAJESH Advocate

For Respondents : MR.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 355 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.707 of 2017 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that on 22.12.2017, due to wordy quarrel, the petitioner is alleged to have attacked the defacto complainant using broomstick and caused injuries and also threatened her with dire consequences, which resulted in registration of the case.

4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case.



5. Learned Government Advocate (Crl.Side) submitted that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and taking note of the fact that injured has been discharged from the hospital, this Court is of the view that custodial interrogation of this petitioner is not necessary at this stage. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Tirunelveli, **subject to the following conditions:**

(i) the petitioner 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 Magistrate concerned;

(ii) the petitioner shall report before the Court concerned daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

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

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-
28/12/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI



3 THE INSPECTOR OF POLICE,
SANKARANKOIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

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

WEB COPY

+1. CC to M/S.ANANTH C. RAJESH Advocate SR.No.37102

ORDER

IN

CRL OP(MD) No.18041 of 2017

Date :28/12/2017

PK/CM/SAR-2/02.01.2018 : 3P/6C