



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

Tuesday, the Twenty First day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.3165 of 2017

1 MUTHUPANDI
2 OORKAVALAN
3 MANICKAM
4 LAKSHMI
5 POOMAIL

... PETITIONERS/ACCUSED NO.1,3 TO 6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO. 96 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.E.BALASUBRAMANIAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

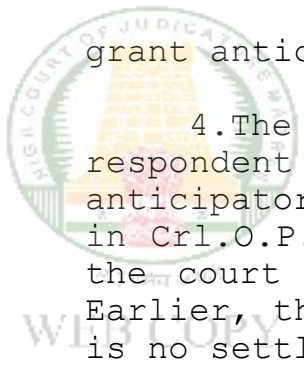
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1, 3 to 6 in Crime No.96 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 IPC r/w Section 4 of the Tamil Nadu prohibition of Harassment of Women Act and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent/State.

3.The learned counsel for the petitioners submitted that the petitioners were earlier granted anticipatory bail by this Court in Crl.O.P.(MD).No.10116 of 2016, vide order dated 30.06.2016. As the settlement talks were going on between the petitioners and the defacto complainant, the petitioners did not surrender and produce the sureties. Now the settlement did not come into effect and the defacto complainant persuaded the complaint which was given earlier. Hence, the petitioners have come up with this petition praying to



grant anticipatory bail.

4. The learned Government Advocate appearing for the respondent / Police submitted that this Court has granted anticipatory bail order in favour of the petitioners on 30.06.2016 in Crl.O.P.(MD).No.10116 of 2016, but they did not surrender before the court concerned within the time as stipulated by this Court. Earlier, there was compromise talk going on. Now it is stated there is no settlement effected. The investigation is pending.

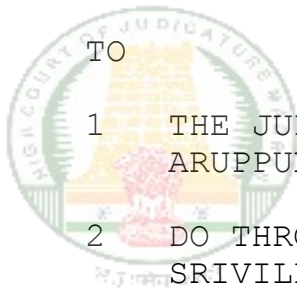
5. This is the second anticipatory bail application filed by the petitioners. It is stated by them that since settlement talks were going on, they did not execute the anticipatory bail. First of all, the petitioners have to comply with the orders of this Court in letter and spirit and they cannot come forward with this petition stating that settlement talks were going on between the parties. In other words, they should have surrendered before the Court concerned and executed the bond as directed by this Court, in addition to which, they should have persuaded the settlement talks, which, they failed to do so. The act of the petitioners is nothing but an abuse of process of law.

6. Considering the fact that neither the respondent police nor the defacto complainant has come forward to cancel the anticipatory bail granted earlier for violation of the conditions and considering the facts and circumstances of the case and also considering the nature of the allegations raised against the petitioners, this Court is 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 before the learned Judicial Magistrate, Aruppukkottai and on each executing 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 learned Magistrate concerned and on further conditions that the petitioners shall appear before the respondent police once in a week. I.e. On every Monday at 10.30 a.m until further orders to be passed by this Court. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/03/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
NARIKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.E.BALASUBRAMANIAN Advocate SR.No.16407

SSM

CSL/PM-PN/SAR-II/27.03.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.3165 of 2017

Date :21/03/2017