



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

CRL OP(MD) No.5585 of 2017

1 KITTU
2 THAMARAISELVI

... PETITIONERS / ACCUSED 1&2

Vs

STATE,
REPRESENTED BY THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT
(CR.NO.237 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MAHENDRAPATHY Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

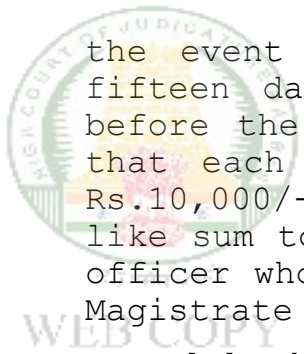
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 355 IPC and Section 4 of Women Harassment Act in Crime No.237 of 2017 on the file of the respondent police, seek anticipatory bail.

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

3.The learned counsel for the petitioners would submit that there occurred petty quarrel among the woman folk and on account of that, a false complaint has been lodged against the petitioners and they are husband and wife.

4.The learned Government Advocate (Crl.Side) submits that the petitioners and victim are neighbours and due to petty quarrel, the present complaint has been lodged and the alleged victim was treated as out patient.

5.Having regard to the fact that the injured victim has been treated as out patient and the parties are neighbours and the antecedents of the petitioners are not reported to be bad, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.II, Madurai on condition that each of 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 as if the conditions have been imposed and the petitioners released on bail by the learned 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/-

04/05/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.MAHENDRAPATHY Advocate SR.No.21881

JAM/05.05.17/BS/SAR 4 2P-6C

ORDER

IN

CRL OP(MD) No.5585 of 2017

Date :04/05/2017