

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.12761 of 2018

& CRL.MP.NO.7614 OF 2018

1 A.DURAIRAJ

[PETITIONERS / ACCUSED]

2 N.ARUMUGAM

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
E-2 PEELAMEDU POLICE STATION,
COIMBATORE DISTRICT
CR.NO.362 OF 2018.

[RESPONDENT]

RAJAGOPAL

[INTERVENER / DEFACTO COMPLAINANT]

[Ordered as per order of this Court dated 09/07/2018 made in
CRL.MP.NO.7614 OF 2018 IN CRL.OP.NO.12761 OF 2018]

For Petitioner : M/S.T.SHANMUGAM Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.B.NAMBISELVAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.362 of 2018 registered by the respondent police for the offences punishable under Sections 294(b) and 506(i) of I.P.C.

2. The case of the prosecution as per the de-facto complainant one Rajagopal is that on 16.02.2018, the petitioners abused him with filthy language and also intimidated him.

3. The learned counsel for the petitioners would submit that there is matrimonial proceedings pending between the first petitioner and his wife and that in order to put pressure on him, a false complaint has been foisted against them. He would submit that the defacto complainant is the person, who is advising the first petitioner's wife in her matrimonial proceedings.

4. The learned counsel for the intervenor would submit that the petitioners, in high handed manner, continued to harass the

wife of the first petitioner and also assaulted her family members and the defacto complainant, who is giving tmoral support to her.

5. The learned Additional Public Prosecutor would submit that due to family dispute, the first petitioner continued to harass his wife and also the persons known to her.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels, I am inclined to grant anticipatory bail to the petitioners.

7. 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-VI, Coimbatore, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

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

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-2 PEELAMEDU POLICE STATION,
COIMBATORE DISTRICT

+1CC to M/S.T.SHANMUGAM Advocate on payment of necessary
charges SR NO.12757

CRL OP.12761/2018
& CRL.MP.NO.7614 OF 2018

Date :09/07/2018

MK:19/07/2018