

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.14103 of 2018

1 PALANISAMY
2 SIVAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
YUTHIYUR POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO. 71 OF 2018.

[RESPONDENT]

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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 u/s.294[b], 323, 506[i] IPC read with section 4 of Prohibition of Women Harassment Act, 2002, in Crime No.71/2018, seek anticipatory bail.

2. Heard both sides.

3. The learned Additional Public Prosecutor further submitted that due to civil dispute as regards ancestral property, both parties attacked each other and the injured has been discharged from the hospital and that there is no previous case against the petitioners. It is further submitted that it is a case in counter.

4. Taking into consideration the nature of allegations against the petitioners in the FIR and the fact that the injured has been discharged from the hospital, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners.

5. 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 Dharapuram, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 first petitioner shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation and the 2nd petitioner, being a Senior Citizen, shall report before the respondent police 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]**.

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

-sd/-
30/05/2018

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
YUTHIYUR POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.C.S.SARAVANAN Advocate on payment of necessary
charges SR NO.9572

CRL OP.14103/2018

Date :30/05/2018

MK:31/05/2018