

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15947 of 2018

1 VINOTH KUMAR
2 MOHAN KUMAR
3 VASANTHAMANI
4 SOUNTHAR RAJAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPPUR DISTRICT.
CR.NO. 5 OF 2018

[RESPONDENT]

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

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

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.5 of 2018 registered by the respondent police for the alleged offence punishable under Sections 498-A, 294(b), 323, 324 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant is that on 29.05.2018, the petitioners assaulted the defacto complainant, who is the wife of the first petitioner.

3. The learned counsel for the petitioners would submit that the marriage between the first petitioner and the defacto complainant took place three years back and the first petitioner was working in London and that after he came back from London, there was a wordy quarrel between the first petitioner and the defacto complainant and that a false complaint has been given against the petitioners as if all the petitioners joined together and assaulted the defacto complainant. He would submit that the first petitioner is the husband of the defacto complainant and the second petitioner is the brother of the first petitioner and the petitioners 3 and 4 are parents of the 1st petitioner.

4. The learned Additional Public Prosecutor would submit that the complaint has been lodged by the wife of the first petitioner that the petitioners joined together and assaulted her.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 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 failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30.a.m until further orders and the petitioner 2 to 4 shall report before the respondent police daily at 10.30.a.m., for a period of one week and thereafter, as and when required for interrogation.

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

[d] the petitioners 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/-
06/07/2018

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM, TIRUPPUR DISTRICT.

+1CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR NO.12454

CRL OP.15947/2018

Date :06/07/2018

MK:13/07/2018