

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16720 of 2018

1 RAJARAMAN

[PETITIONERS / ACCUSED]

2 RAJAYOGANATHASAMY @ SIVARAJ

Vs

STATE REP. BY,

[RESPONDENT]

INSPECTOR OF POLICE,

THIRUVENKADU POLICE STATION,

THIRUVENKADU, NAGAPATTINAM DT.

CR. NO. 114 OF 2018.

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

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.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.114 of 2018 registered by the respondent for the alleged offence punishable under Sections 294(b), 323, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and 3(1) of the TNPPDL Act in Crime No.114 of 2018.

2. The case of the prosecution as per the defacto complainant is that due to wordy quarrel, the petitioners assaulted him with hands and damaged the household articles and the damage has been valued at Rs.10,000/-.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to land dispute, they have been falsely implicated in this case. He would further submit that without prejudice to their contentions, the petitioners, to show their *bona fides*, are prepared to deposit a sum of Rs.10,000/- each totalling to Rs.20,000/- before the Magistrate.

4. The learned Additional Public Prosecutor would submit that due to wordy quarrel, the petitioners assaulted the defacto complainant with hands and damaged the household articles worth about Rs.10,000/-. He would submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and the fact that the petitioners are prepared to deposit Rs.10,000/- each, without prejudice to their contentions and also taking note of the fact that the injured has been discharged from the hospital, 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 before the learned Judicial Magistrate-II, Mayiladuthurai, within a period of fifteen days from the date of receipt of a copy of this order on their 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 the said Magistrate, on further condition that:

[a] each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) totalling to Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.114 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

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

[d] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders.

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

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

[g] 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]**.

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

-sd/-

02/07/2018

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.II,MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVENKADU POLICE STATION,
THIRUVENKADU,
NAGAPATTINAM DT.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges SR.NO. 12116

CRL OP.16720/2018

Date :02/07/2018

RD 09/07/2018