



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1111 of 2018

1 GANESAN
2 VETRISSELVAN
3 VALLIAMMAL

... PETITIONERS / ACCUSED Nos.2,3,6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT .
IN CRIME NO. 11/2018

... RESPONDENT / COMPLAINANT

JAYAPPAUL

... INTERVENOR / DE-FACTO COMPLAINANT

For Petitioners : M/S.M.MARIA VINOLA Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervenor : Mr.S.MUTHALRAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.2,3 and 6, apprehending arrest at the hands of the respondent police for the offence punishable under Section 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act, in Crime No.11 of 2018, seek anticipatory bail.

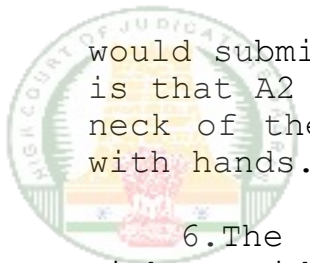
2.The case of the prosecution is that due to political enmity, the petitioners along with other accused attacked the defacto complainant by using deadly weapons and abused him in filthy language and also threatened with dire consequences. Hence, the defacto complainant has lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned counsel appearing for the defacto complainant



would submit that the specific overt act against petitioners herein is that A2 cut the defacto complainant with Aruval, A3 strangled the neck of the defacto complainant and A6 hit the defacto complainant with hands.

6. The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, the petitioners being the accused nos. 2, 3 and 6 and other accused joined together and assaulted the defacto complainant and one another person and thereby, they sustained simple injury. As of now, the persons who sustained injury during the time of occurrence were discharged from the hospital on 17.01.2018 and 26.01.2018 respectively. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation. Furthermore, both the counsels admitted that the petitioners are not having any previous cases. However, considering the fact that the alleged offence was happened due to the political rivalry, this Court is inclined to grant anticipatory bail with some stringent conditions 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 No. I, Kovilpatti, Thoothukudi District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall stay at Vellore and report before the Inspector of Police, South Police Station, Vellore, daily at 10.00 a.m. until further orders;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been



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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/-
09/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

COPY TO:-

THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, VELLORE

+1. CC to MR.S.MUTHALRAJ, Advocate SR.No.2242
+1 CC TO M/S.M.MARIA VINOLA , Advocate, Sr.No. 2363

TRP/TM
JAM/13/02/2018/CSL/ SAR 2 / 3P-8C

ORDER
IN
CRL OP(MD) No.1111 of 2018
Date :09/02/2018