



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1119 of 2018

1 VIJAY
2 AMSAVALLI
3 NITHYA
4 PITCHAYAMMAL

... PETITIONERS / ACCUSED Nos.1 to 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION, NILAKOTTAI TALUK,
DINDIGUL DISTRICT,
(IN CRIME NO. 11/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.VENKAT SUBRAMANIAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

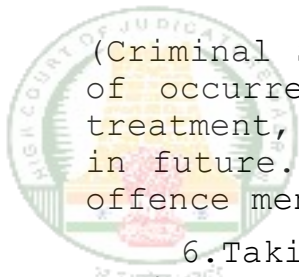
The petitioners who are arrayed as A1 to A4, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 324 and 506(ii) of IPC in Crime No.11 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute the petitioners were assaulted the defacto complainant indiscriminately and consequently they threatened him with dire consequences. Hence the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl. Side) submitted that investigation is still pending. According to him, the injured was discharged from the hospital.

5.Considering the submissions made on either side, it seems that the occurrence was happened due to the family dispute. However, submissions made by the learned Government Advocate



(Criminal Side) that the person, who sustained injuries at the time of occurrence, was discharged from the hospital after completing treatment, hence, there is no scope for altering the Section of law in future. Apart from that, except Section 506 (ii) IPC the other offence mentioned in the petition are bailable in nature.

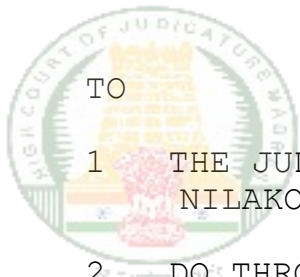
6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Nilakottai, 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 2 to 4 shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation. Since, the first petitioner is an employee of the army he shall report before the respondent police as and when required for interrogation;
- (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 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/-
24/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION, NILAKOTTAI TALUK,
DINDIGUL DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.P.VENKAT SUBRAMANIAN Advocate SR.No.1246

JAM/31/01/2018/CM-VR/ SAR 3/ 3P-6C

ORDER

IN

CRL OP(MD) No.1119 of 2018

Date :24/01/2018