



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.1140 of 2018

1 MADASAMY
2 KARUPPASAMY
3 SENTHILKUMAR

... PETITIONERS / ACCUSED NO.1,3 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KAYATHARU POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.PRABHU Advocate

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

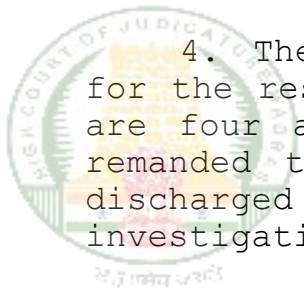
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1, A3 and A4, who apprend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323 and 506(ii) IPC and Section 4 of Women Harassment Act, in Crime No.19 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are relatives and there was already a civil dispute between the petitioners' and the de-facto complainant. When the defacto complainant sold the property without the knowledge of the petitioners, the petitioners questioned the same, at that time, there was a wordy quarrel arose between them out of which, the petitioners abused the defacto complainant using filthy language and assaulted her using wooden stick and caused injuries and threatened her with dire consequences. Hence, the case has been registered against the petitioners for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that totally there are four accused in this case and Accused No.2 was arrested and remanded to judicial custody on 21.01.2018 and injured has been discharged from the hospital. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. According to the prosecution, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing treatment. Except Section 506 (ii) IPC and Section 4 of Women Harassment Act, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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.II, Kovilpatti, 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 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.

(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 NO.II, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KAYATHARU POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.PRABHU Advocate SR.No.1254

ORDER

IN

CRL OP(MD) No.1140 of 2018

Date :24/01/2018

MKV-PM-PN-SAR 1/25.1.2018/3P-6C