



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1260 of 2018

1 NAGARAJAN,
2 UMA,

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT,
CR.NO.19 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.T.LAJAPATHI ROY Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 452, 506(ii) I.P.C., and Section 4 of Tamilnadu Prohibition of Women Harassment Act, in Crime No.19 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is none other than the own sister of the first petitioner herein, has lodged a complaint before the respondent police stating that the petitioners had threatened her and abused with filthy language.

3.The learned counsel appearing for the petitioners submitted that the defacto complainant insisted the first petitioner to marry a girl who is relative of defacto complainant's husband. But the first petitioner had already committed with other girl, hence the defacto complainant has got angry with the first petitioner. Thereby, she lodged a false complaint against the petitioners herein. He further submitted that the petitioners are innocent persons, they have not committed any offence, as alleged by the prosecution. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to the relative dispute, the petitioners threatened the defacto complainant. According to him investigation is not completed.

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5.The submissions made by the learned counsel on either side are considered. According to prosecution, the alleged occurrence was happened in between the relatives and no one sustained injury in this case. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. 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, No.III, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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/-
25/01/2018

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



1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
ANJUGRAMAM POLCE STATION, KANYAKUMARI DISTRICT

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

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.1450

GJM/RR/SAR-2-1.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.1260 of 2018

Date :25/01/2018