



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1484 of 2018

1 CHANDRASEKAR
2 MUNIYASAMY
3 GANESHAN
4 KALIMUTHU
5 AYYADURAI

... PETITIONERS / ACCUSED NO.1 TO 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.2 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.GOKUL Advocate

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

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

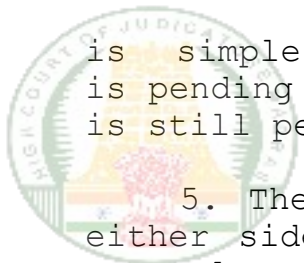
ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 323, 427, 506(ii) I.P.C., and Section 4 of Women Harassment Act, in Crime No.2 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.01.2018, the petitioners went to the house of the defacto complainant and scolded her with filthy language, due to that, there was a wordy quarrel arose between the petitioners and the defacto complainant, in which, the petitioners assaulted the defacto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there is no previous case is pending against these petitioners. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the injury sustained by the victim



is simple in nature. Further added that there is no previous case is pending against the petitioners. According to him, investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that due to the wordy quarrel arose between the petitioners and the defacto complainant, the petitioners assaulted the defacto complainant. It is a case of case in counter. According to prosecution, the injury sustained by the victim, is simple in nature. Hence, custodial interrogation of the petitioners may not necessary for completing the investigation. Therefore, for the reasons stated above, 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, Rameshwaram, 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, 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/-
31/01/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.K.GOKUL Advocate SR.No.1659

ORDER

IN

CRL OP (MD) No.1484 of 2018

Date :31/01/2018

MKV-CM-VR-SAR 4/2.2.2018/3P-6C