



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP (MD) No.1545 of 2018**

1 PALANISAMY  
2 THAMAYANDI  
3 PIRITHIVIRAJ

... PETITIONERS/ACCUSED  
RANK NOT KNOWN

Vs

STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE,  
AMATHUR POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.21/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.BANUMATHY Advocate

For Respondent : M/S.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/rank not known, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 506(ii) I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.21 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute arose between the petitioners and the defacto complainant with regard to water pipe connection, thereby, there was a wordy quarrel arose between the petitioners and the defacto complainant, due to that the petitioners assaulted the defacto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and 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 during the time of occurrence,



the person who sustained injury has been discharged from the hospital. According to him, investigation is still pending.

5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioners assaulted the defacto complainant and caused injuries. According to prosecution, the person, who sustained injury has been discharged from the hospital after completing the treatment. So, considering the nature of offence committed by the petitioners, nothing has to be recovered by way of interrogation. Hence, 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 No.II, Virudhunagar, 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) Since the third petitioner is the College student, no condition has been imposed against him and not necessary to report before the respondent police.
- (ii) the first and second 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/-  
01/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,  
AMATHUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.A.BANUMATHY Advocate SR.No.1720

ORDER  
IN  
CRL OP(MD) No.1545 of 2018  
Date :01/02/2018

PK/RR-CSL/SAR-2/12.02.2018 : 3P/6C