



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1547 of 2018

1 MUNIYASAMY
2 BANUMATHI

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CR.NO. 16/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate

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

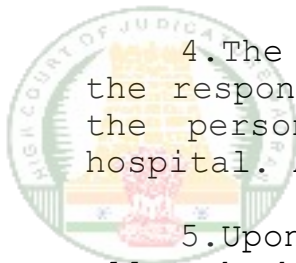
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A-1 & A-2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.16 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives. On 25.01.2018, during the time of the defacto complainant's family function, there was a wordy quarrel arose between the petitioners and the defacto complainant, thereby, the petitioners abused the defacto complainant by using filthy language, assaulted him and caused injuries. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioners.

3.The learned counsel appearing for the petitioners submitted that in fact on the date of occurrence, the defacto complainant and his family members have assaulted the petitioners. Due to that, the petitioners lodged a complaint before the respondent police, case has been registered in Crime No.15 of 2018. It is a case of case in counter. He further 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.

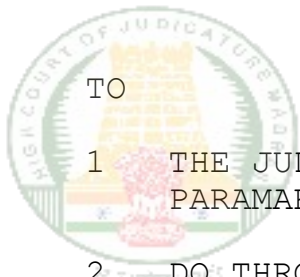
5.Upon considering the arguments advanced by either side, it is alleged that the petitioners assaulted the defacto complainant and caused injuries. It is a case of case in counter. According to prosecution, the person who sustained injury has been discharged from the hospital after completing the treatment. So, custodial interrogation of the petitioners is not necessary for completing the investigation. 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, Paramakudi, 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/-
01/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI .

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.1767

ORDER

IN

CRL OP (MD) No.1547 of 2018

Date :01/02/2018

MKV-CM-VR-SAR 2/9.2.2018/3P-6C