



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

Thursday, the First day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1559 of 2018

1 IRULAPPAN

2 JOTHI @ DEEPA

... PETITIONERS/ACCUSED 1&2

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
IN CR.NO. 26/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.VENKATESAN 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/A-1 & A-2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 448, 323, 355, 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.26 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are husband and wife. On 24.01.2018, the petitioner and his wife illegally entered into the defacto complainant's house, assaulted the defacto complainant, used filthy language and harassed the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioners.

3.The learned counsel appearing for the petitioners submitted that due to the common pathway dispute, the defacto complainant's husband assaulted the second petitioner herein, as such the second petitioner gave a complaint before the respondent police, case has been registered in Crime No.405 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.

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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, Vadipatti, 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

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



TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI,
MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.M.VENKATESAN Advocate SR.No.1771

ORDER

IN

CRL OP(MD) No.1559 of 2018

Date :01/02/2018

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