



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

Monday, the Fifth day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1728 of 2018

1 SELVAMURUGESAN
2 SIVARANI
3 MADASAMY
4 INDHIRA KUMARI

... PETITIONERS/ACCUSED Nos.1 to 4

Vs

STATE REP BY
THE SUB-INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.37 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.JOTHI BASU 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/Accused No.1 to 4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.37 of 2018, seeking relief to grant of anticipatory bail.

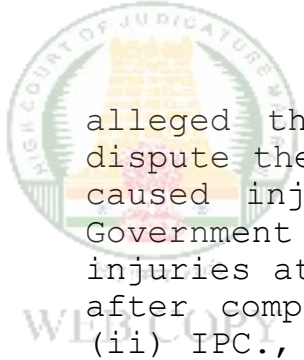
2.The case of the prosecution is that on 29.01.2018, due to the family dispute, the petitioners scolded the defacto complainant with abusive words and Accused 1 to 3 assaulted the defacto complainant and his brother. Hence, the lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that they are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the injured person discharged from the hospital. According to him, investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made on either side are considered. It is



alleged that during the time of occurrence, due to the family dispute the petitioners herein assaulted the defacto complainant and caused injury to him. However, submissions made by the learned Government Advocate (Criminal Side) that the person, who sustained injuries at the time of occurrence, was discharged from the hospital after completing treatment. Apart from that, except Section 506 (ii) IPC., the other offences mentioned in the petition are bailable in nature.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, 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, Sivagiri, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 05.00 p.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/-
05/02/2018

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



1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE SUB-INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.1910

ORDER

IN

CRL OP (MD) No.1728 of 2018

Date :05/02/2018

SMA/PM-PN/SAR-4/13.02.2018:3P/6c