



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1933 of 2018

VIJAYAPANDI @ SUNDARAPANDI

... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
THALAIMUTHUNAGAR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.33 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.MALAIYANDRAN for B.CHAR MURUGAN, 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 petitioner/A-2, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 352 and 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.33 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, the petitioner abused the defacto complainant by using filthy language and threatened him with dire consequences. Hence, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, further added that he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are two accused in this case. The petitioner herein is arrayed as A2. No one sustained injury during the time of occurrence. According to him,



investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to previous enmity, the petitioner and another accused abused the defacto complainant by using filthy language. According to prosecution, no one sustained injury during the time of occurrence. Apart from that except 506(ii) and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, all other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his 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, Tuticorin, on condition that the petitioner 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 petitioner shall report before the Dharmapuri Police Station daily at 10.00 a.m. Until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

08/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.3 THE INSPECTOR OF POLICE,
THALAIMUTHUNAGAR POLICE STATION,
TUTICORIN DISTRICT.

4 THE INSPECTOR OF POLICE, DARMAPURI POLICE STATION, DARMAPURI.

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

+1. CC to M/S.B.CHAR MURUGAN Advocate SR.No.2223

ORDER

IN

CRL OP(MD) No.1933 of 2018

Date :08/02/2018

PK/PM/SAR-1/14.02.2018 : 3P/7C