



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.1942 of 2018

1 U. KALYANAKUMAR

2 U. MUNEESWARAN

... PETITIONERS / ACCUSED A1 & A2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
IN CR.NO. 20 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.MURUGAN Advocate

For Respondent : MR.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 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 324 and 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.20 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are the adjacent land owners. Due to the dispute with regard to the storing of tiles on the street, the petitioners assaulted the defacto complainant and sustained injury. 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 storing of tiles on the street, the defacto complainant's family assaulted the petitioners' family. 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 State submitted that the person, who sustained injury during the time of occurrence, has been discharged from the hospital. According to him, investigation 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, his family members, thereby, they sustained injuries. It is a case of case in counter. According to prosecution, those, who sustained injuries have been discharged from the hospital after completing the treatment. 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 petitioners may not be 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 District Munsif Cum Judicial Magistrate No.I, Ramanathapuram District, 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/-

08/02/2018

/ TRUE COPY /



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

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

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

+1. CC to M/S.R.MURUGAN Advocate SR.No.2131

GJM/PM/PN/SAR-4-14.2.18-3P-6C

ORDER

IN

CRL OP (MD) No.1942 of 2018

Date :08/02/2018