



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

Thursday, the Eighth day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2010 of 2018

1 I. JOYAL RAJ
2 J. JULIE
3 A. PERIAMANI
4 A. CHINNAMANI

... PETITIONERS/ACCUSED

Vs

THE INSPECTOR OF POLICE
C5, KARIMEDU POLICE STATION (L & O),
MADURAI CITY,
IN Crime NO.44/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.MURALI Advocate

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

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

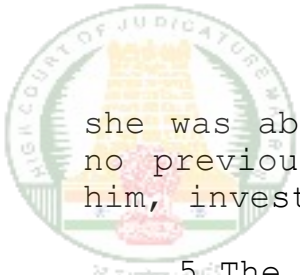
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 316, 506(ii) I.P.C and Section 4 of TNPWH Act, in Crime No.44 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 21.01.2018, when the defacto complainant was selling fishes in the market, at that time, there was a wordy quarrel arose between the petitioners and the defacto complainant, due to which, the petitioners assaulted the defacto complainant with hands and legs, thereby, she was aborted. Hence, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the state submitted that during the time of occurrence, the petitioners assaulted the defacto complainant, due to the assault,



she was aborted and the same was confirmed by the doctor. There is no previous case is pending against the petitioners. 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, the petitioners herein made assault towards the defacto complainant by using hands and legs, due to which, the defacto complainant was aborted. The same was also confirmed by the doctor. The averments made in the F.I.R shows that the 1st, 3rd and 4th petitioners are actually assaulted the defacto complainant even after knowing that the defacto complainant is a pregnant lady. So, considering the role played by the 1st, 3rd and 4th petitioners in the alleged occurrence, this Court is not inclined to grant anticipatory bail to the 1st, 3rd and 4th petitioners. Accordingly, in respect of 1st, 3rd and 4th petitioners, this Criminal Original Petition is dismissed.

6. In respect of second petitioner is concerned, she is a lady, further, she has not played any active role in the assault, as was done by other accused. Hence, custodial interrogation of the second petitioner may not be necessary for completing the investigation. Accordingly, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Additional Mahila Cum Judicial Magistrate, Madurai 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 second petitioner 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.

(iii) the second petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the second petitioner shall not abscond either during investigation or trial.

(v) 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 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

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

TO

- 1 THE ADDITIONAL MAHILA CUM
JUDICIAL MAGISTRATE, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE
C5, KARIMEDU POLICE STATION (L & O),
MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.MURALI Advocate SR.No.2219

ORDER
IN
CRL OP(MD) No.2010 of 2018
Date :08/02/2018

SMA/CSL/SAR-4/13.02.2018:3P/6C