



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.232 of 2018

M.VAIRAVAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PANA VADALI CHATRAM POLICE STATION,
SANKARAN KOVIL TALUK,
THIRUNELVELI DISTRICT.
(CRIME NO.4 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.CHANDRAKUMAR, Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

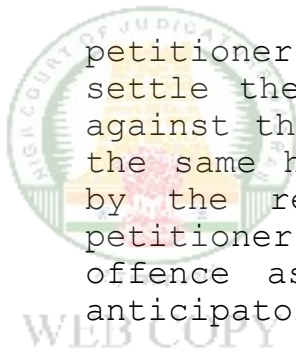
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294 (b), 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.4 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.01.2018, the defacto complainant was assaulted by the petitioner in the public place. Hence, the defacto complainant lodged a complaint against the petitioner. Based on the complaint, the respondent police has registered a case in Crime No.4 of 2018 against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the maternal uncle of the defacto complainant. Since, the defacto complainant was eloped with boy, the petitioner and parents of the defacto complainant had made search. Subsequently, the defacto complainant visited the village on 01.01.2018 along with the boy, wherein, there was a quarrel arose between the defacto complainant and her parents. At that time, the



petitioner had intervene and made conciliation between them to settle the dispute. Hence, the defacto complainant got vengeance against the petitioner and lodged a false complaint against him and the same has been registered without conducting any proper enquiry by the respondent herein. It is further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that due to the family dispute, there was a wordy quarrel between the petitioner and the defacto complainant. He further submitted that no one was injured in this case.

5. Considering the submissions made on either side, it disclose that the offences under Sections 294 (b), 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.4 of 2018 has been registered against the petitioner. According to the prosecution, the alleged offence was happened due to the family dispute in between the petitioner and the defacto complainant. No one was injured in this case. Hence, custodial interrogation for completing the investigation is not necessary.

6.Therefore, considering the reasons stated above, 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, Sankarankovil, 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 respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii)the petitioner 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/-

08/01/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PANA VADALI CHATRAM POLICE STATION,
SANKARAN KOVIL TALUK, THIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.CHANDRAKUMAR Advocate SR.No.357

ORDER

IN

CRL OP(MD) No.232 of 2018

Date :08/01/2018

PK/CM-VR/SAR-4/11.01.2018 : 3P/6C