



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.237 of 2018

T.RAMESH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SEMPATTAI POLICE STATION,
DINDUGUL DISTRICT.
(CRIME NO. 413 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.CHANDRAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

Heard both side.

2.The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324, 506(ii) I.P.C., and 4 of Tamilnadu Prohibition of Woman Harassment Act., in Crime No.413 of 2017, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that on 07.12.2017, due to the previous enmity, the petitioner herein visited the defacto complainant's tea shop and assaulted her, thereby, the defacto complainant sustained injuries and admitted in the hospital. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioner.

4.The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are relatives and residing in the same village. On the day of occurrence, there was a wordy quarrel arose between the brother of the petitioner and the defacto complainant, wherein, the petitioner intercepted and condemned the action of the defacto complainant. Hence, the defacto complainant got vengeance against the petitioner and lodged a false complaint against the petitioner. He further submitted that the petitioner is an innocent person and he did not involved in the said



occurrence as alleged by the defacto complainant.

5. The learned Additional Public Prosecutor submitted that injured discharged from the hospital and investigation is almost completed.

6. Considering the submissions made on either side, it discloses that offences under Sections 294(b), 324, 506(ii) I.P.C., and 4 of Tamilnadu Prohibition of Woman Harassment Act in Crime No.413 of 2017 has been registered against the petitioner. According to the prosecution, part of the investigation is completed and the person who sustained injury has also been discharged. So custodial interrogation is not necessary, accordingly, 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, Dindigul, 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 two 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

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
SEMPATTAI POLICE STATION,
DINDUGUL DISTRICT.

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

+1. CC to Mr.A.CHANDRAKUMAR Advocate SR.No.358

JAM/10/01/2018/CM-VR/ SAR 3 / 3P-6C

ORDER

IN

CRL OP(MD) No.237 of 2018

Date :08/01/2018