



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2437 of 2018

1 D.THIRUMOORTHY
2 T.KALAISELVI

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
RAJAPALAIYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.78/18)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.J.CHAKKKARAVARTHY Advocate

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

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

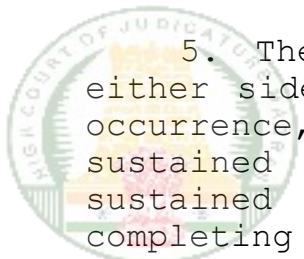
ORDER : The Court Made the following order :-

The petitioners/A-1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, and 506(i) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.78 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. The petitioners are constructing their house which is nearby the house of the defacto complainant. Due to some construction problem, the petitioners assaulted the defacto complainant and criminally intimidated upon her. Hence, a case has been registered against the petitioners herein.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have 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 the person, who sustained injury during the time of occurrence has been discharged from the hospital. According to him, investigation still pending.



5. The submission made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners assaulted the defacto complainant and sustained injuries. According to prosecution, the person who sustained injury has been discharged from the hospital after completing the treatment. Apart from that except under Section 506 (i) I.P.C., 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 Judicial Magistrate, Rajapalayam, Virudhunager 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/-

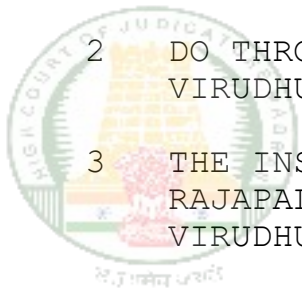
16/02/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.courts.gov.in/hcservices/> RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
RAJAPALAIYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.J.CHAKKKARAVARTHY Advocate SR.No.2590

ORDER

IN

CRL OP (MD) No.2437 of 2018

Date :16/02/2018

MKV-CM-SAR 3/20.2.2018/3P-6C