



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2786 of 2018

1 V. VELUCHAMI
2 SENTHIL
3 KARTHIK

... PETITIONERS / ACCUSED Nos.1 to 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT ,
IN CR.NO. 55/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.M.ANANTHA MURUGAN 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 are arrayed as accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offence punishable under Section 341, 294(b), 323, 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002 in Crime No.55 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to a wordy quarrel between the petitioner and defacto complainant, the petitioners herein assaulted the defacto complainant, thereby the defacto complainant sustained injury and admitted in the hospital. Hence, he lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that investigation is still pending. According to him, the injured person discharged from the hospital.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence due to the wordy quarrel, the petitioners abused and



assaulted the defacto complainant, due to which the defacto complainant sustained injury. As of now, according to the prosecution the injured was discharged from the hospital after completing the treatment. So, in order to complete the investigation custodial interrogation may not be necessary.

6. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners. 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, Sivagangai, on condition that each of the petitioners 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 petitioners shall report before the respondent police, daily at 10.00 a.m. for a period of three weeks and thereafter as 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/-
22/02/2018

/ TRUE COPY /

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/>
SIVAGANGAI



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI

3 THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.S.M.ANANTHA MURUGAN Advocate SR.No.2900

TM

JAM/01/03/2018/VC/ SAR 4/ 3P-6C

ORDER

IN

CRL OP (MD) No.2786 of 2018

Date :22/02/2018