



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

Thursday, the Fourth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.31 of 2018

1 RAJASEKAR,
2 VIGNESH & VIGNESHWARAN, ... PETITIONERS/ACCUSED No.1 & 2

Vs

1 THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
(CRIME NO.615/2017),
MADURAI DISTRICT. ...RESPONDENT/COMPLAINANT

2 DHANALAKSHMI, ... RESPONDENT/DEFACTO COMPLAINANT

For Petitioners : M/S.M.SURESH Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.615 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that since the 1st petitioner had love affair with the defacto complainant's daughter, Hence, there was a wordy quarrel arose between the petitioners and the defacto complainant, Further the petitioners abused filthy language against them.

3.The learned counsel appearing for the petitioners submitted that the petitioner are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution. He is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submitted that investigation is not yet been completed. The Injured person has been discharged from the hospital.

5.Considering the submissions made by either side, discloses that the offence under Sections 294(b), 323, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, has been registered against the petitioners. The person who sustained injury at the time of alleged occurrence, has been discharged from the hospital in the next day on which the alleged occurrence was happened. Further, during the time of alleged occurrence the petitioners herein made a wordy quarrel with the defacto complainant's daughter.

6.Taking all the above said aspects into consideration, and having regard to the nature of offence committed by petitioner, **custodial interrogation is not necessary for completing investigation. Therefore, considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:-**

(i)The petitioners are granted anticipatory bail in the event of their arrest or on their surrender before the learned Judicial Magistrate, Thirumangalam.

(ii)On such arrest or surrender, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.25,000/- with two sureties for like sum each to satisfaction of the learned Judicial Magistrate, Thirumangalam.

(iii)The petitioners are directed to appear before the respondent Police daily at 10.00 a.m. for a period of three weeks.

(iv)The petitioners shall make themselves available for interrogation as and when required by the Investigation Officer.

(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 petitioners 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/-
04/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.M.SURESH Advocate SR.No.132

ORDER
IN
CRL OP(MD) No.31 of 2018
Date :04/01/2018

SMA/CM-VR/SAR-1/08.01.2018:2P/6c