



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3143 of 2018

1 KASIPANDI
2 ASHOK KUMAR

... PETITIONERS/ACCUSED No.1&3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.30 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.JEGADEESH PANDIAN, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 506(ii) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.30 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are neighbors. It is alleged during the time of occurrence the petitioners after consuming liquor, abused the de-facto complainant in filthy language, thrown stones and threatened with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, the case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that



the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that totally three accused are involved in this case, nobody sustained injury. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. According to the case of the prosecution, the de-facto complainant had not sustained the injury. Further, except Section 506 (ii) IPC and Section 4 of Women Harassment Act, in Crime No.30 of 2018, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 No.II, Virudhunagar, 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 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/-

28/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE,
AVIYUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate, SR.No.3340

ORDER
IN
CRL OP(MD) No.3143 of 2018
Date :28/02/2018

PK/CM-VR/SAR-2/07.03.2018 : 3P/6C