



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP (MD) No.323 of 2018**

1 P.MARIAMMAL

2 P.PAULRAJ

... PETITIONERS/ACCUSED RANK 2&3

Vs

THE STATE REP.BY,  
THE SUB-INSPECTOR OF POLICE,  
ODAIPATTI POLICE STATION,  
THENI DISTRICT.  
(CRIME NO. 241 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.Y.PRAKASH, Advocate

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

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

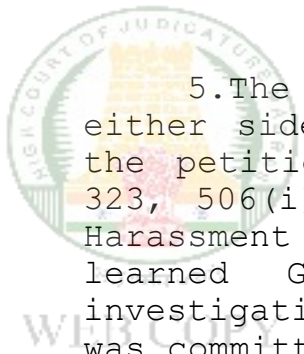
ORDER : The Court Made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323, 506(i) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.241 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused abused the defacto complainant in a public place. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioner submitted that the petitioners' son and the defacto complainant fallen love with each other and the same was opposed by both the families and they have also a dispute with regard to the property. He has further submitted that the petitioners are innocent and they have been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the petitioners' son and the defacto complainant fallen love with each other and there is also a property dispute. She further submitted that the investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioners for the alleged offences under Sections 294 (b), 323, 506(i) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. According to the submission made by the learned Government Advocate (Criminal Side), part of the investigation is completed. Further, it is alleged that the offence was committed due to the love affairs. Considering the nature of the alleged offence, custodial interrogation of the petitioners is not necessary for completing the investigation.

6.Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, 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, Uthamapalayam 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 10.30 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 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/-

09/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT

3 THE SUB-INSPECTOR OF POLICE,  
ODAIPATTI POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.Y.PRAKASH Advocate SR.No.360

ORDER

IN

CRL OP(MD) No.323 of 2018

Date :09/01/2018

PK/RR/SAR-1/10.01.2018 : 3P/6C