



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.327 of 2018

1 MURUGESAN
2 DHARMENDRA
3 SARANYA @ THARANI
4 LALITHA

... PETITIONERS/ACCUSED NO.1 TO 4

Vs

THE INSPECTOR OF POLICE
NACHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO. 102/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.VENKATA SUBRAMANIAN Advocate

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

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

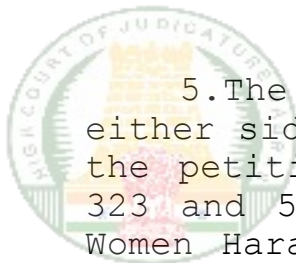
ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.102 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners along with other accused quarrelled with the defacto complainant. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioner submitted that the petitioners are innocent and they have not committed any offence as alleged in the prosecution and it is a case of case in counter and the fourth petitioner has also lodged a complaint against the defacto complainant and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that due to wordy quarrel, the petitioners attacked the defacto complainant and the injured has been discharged from the hospital. The learned counsel for the petitioners 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 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. Now, the persons sustained injury, at the time of occurrence, was discharged from the hospital. Further, it is alleged that for the wordy quarrel, this case has been registered. Therefore, custodial interrogation of the petitioners is not necessary for completing the investigation for this type of cases.

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, Thiruppathur, Sivagangai District 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;

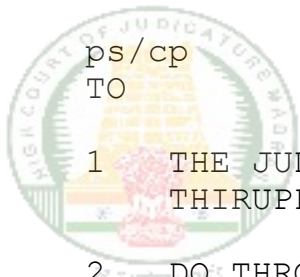
(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(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 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

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ps/cp
TO

1 THE JUDICIAL MAGISTRATE
THIRUPPATHUR , SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
NACHIYAPURAM POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to M/S.P.VENKATA SUBRAMANIAN Advocate SR.No.352

GJM/RR/SAR-I-10.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.327 of 2018

Date :09/01/2018