



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3500 of 2018

1 SURESH
2 RANI
3 SARAVANAN

... PETITIONERS/ACCUSED No.1 to 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION,
THENI DISTRICT.
IN CRIME NO.207 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P.SENGUTTARASAN for N.RANJITH, 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/A-1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 341, 323, 294(B), 506(i), 448 and 354 I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.207 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was running a hotel in her locality. Due to money dispute between the petitioners and the defacto complainant, the petitioners threatened the defacto complainant and assaulted her, due to which, the defacto complainant sustained injury. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5. The submission made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, due to money dispute, the petitioners and two other accused assaulted the defacto complainant, thereby, the defacto complainant sustained injury. Now, the defacto complainant was discharged from the hospital after completing the treatment. The petitioners and other accused are having permanent residents in the locality, in which the alleged occurrence was happened. Now, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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, Bodi, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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/-

06/03/2018

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
BODI TOWN POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.N.RANJITH Advocate SR.No.3580

ORDER
IN
CRL OP (MD) No.3500 of 2018
Date :06/03/2018

PK/RR-CSL/SAR-4/19.03.2018 : 3P/6C