



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.3506 of 2018

PANDI,

... PETITIONER/ACCUSED NO.3

Vs

STATE, REP.BY
THE SUB INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI.
(CR.NO.54/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences under Sections 294(b), 506(ii) I.P.C., and Section 4 of Tamil Nadu Women Harassment Act., in Crime No. 54 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the defacto complainant and the accused persons, the petitioner and other accused in this case unlawfully entered into the house of the defacto complainant, abused him by using filthy language and also threatened the defacto complainant and his wife with dire consequences. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that totally there are three accused in this case. The petitioner herein is arrayed as A3. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to civil dispute, the petitioner and other accused in this case unlawfully entered into the house of the defacto complainant and abused him by using filthy language. According to prosecution, the person, who sustained injury was discharged from the hospital. Considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks, thereafter, as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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/-
06/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

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

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

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.3579

GJM/RR/CSL/SAR-2-14.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.3506 of 2018

Date :06/03/2018