



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

Wednesday, the Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3542 of 2018

T.PITCHAIKANI

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.47 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.P.T.THIRAVIAM 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, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.46 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to the property dispute, the petitioner is said to have assaulted the *defacto* complainant and also abused him in filthy language. Thus, on complaint, a case has been registered against the petitioner. This is a case of case in counter.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to the civil dispute, the petitioner and other accused assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. As of



now, the injured was discharged from the hospital after taking treatment and this is a case of case in counter. Considering the nature of offences committed by the petitioner, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6. Accordingly, the petitioner 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, Tenkasi 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 appear before the respondent Police daily 10.00 a.m. for a period of three weeks and 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 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/-
07/03/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
TENKASI



2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.P.T.THIRAVIAM Advocate SR.No.3604

ORDER

IN

CRL OP (MD) No.3542 of 2018

Date :07/03/2018

trp

SH/PM-PN/SAR-3:07.03.2018:3p/6c