



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4174 of 2018

1 RAJESH KUMAR

2 VALANTEEN MOHAN

... PETITIONERS/ACCUSED 2 & 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.RAMESH 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/A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 506(ii) I.P.C., and Section 4 of the Tamil Nadu Women Harassment Act, in Crime No.55 of 2018, seek anticipatory bail.

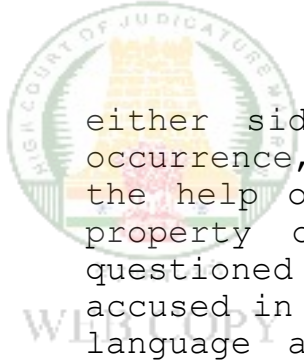
2.The case of the prosecution is that due to property dispute, the petitioners and other accused in this case assaulted the defacto complainant with stick and abused him by using the filthy language. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have 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 investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by the learned counsel appearing on



either side are considered. It is alleged, during the time of occurrence, due to property dispute, the petitioners herein with the help of other accused in this case had attempted to grab the property owned by the defacto complainant. When the same was questioned by the defacto complainant, the petitioners and other accused in this case abused the defacto complainant by using filthy language and assaulted him by using the hands. In the alleged occurrence, the injured was treated as out patient in the hospital. So, 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 No.II, Kuzhithurai, Kanyakumari 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, 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/-
16/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGARCOIL.

3 THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.M.RAMESH Advocate SR.No.4225

ORDER

IN

CRL OP(MD) No.4174 of 2018

Date :16/03/2018

PK/RR-CSL/SAR-2/22.03.2018 : 3P/6C