



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4367 of 2018

1 MAHALINGAM
2 CHINNADURAI

... PETITIONERS/ACCUSED No.1&2

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.

(*) IN CR.NO.67/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.PRASANNA RAJADURAI for
M/S.S.MUTHALRAJ, Advocate

For Respondent : M/S.K.SUYAMBULINGA 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 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 506(ii), 307 I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in **(*)Crime No.67 of 2018**, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners herein assaulted the defacto complainant by using the wooden log and iron rod, due to which, he sustained injuries. 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.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Government Advocate (Crl.side) appearing for the State submitted that injured has been discharged from the hospital. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioners and the defacto complainant are close relatives. It is alleged, on 21.02.2018 with regard to construction of compound wall, there was a dispute arose between the defacto complainant and the petitioners. Consequently, the petitioners herein assaulted the defacto complainant by using the wooden log and iron rod. Subsequent to the assault made by the petitioners, the defacto complainant sustained injury and after taking treatment, he was discharged from the hospital. Thereby, 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.III, Thoothukudi, on condition that 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 10.00 a.m. until further orders.
- (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/-

22/03/2018

**(*) AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE IN
CRL.MP(MD)2248/18 IN CRL.OP(MD)4367/18 DATED 22.03.2018.**

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NA.PALANIYANDI, Advocate SR.No.4646

ORDER

IN

CRL OP(MD) No.4367 of 2018

Date :22/03/2018

PK/RR-CSL/SAR-1/17.03.2018 : 3P/6C