



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

Friday, the Twenty Third day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4449 of 2018

K.SARAVANAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

(*) IN CRIME NO.144 OF 2018.

... RESPONDENT / COMPLAINANT

**(AMENDED AS PER ORDER OF THIS HON'BLE
COURT MADE IN CRL MP(MD)No.2314/18 IN
CRL OP(MD)No.4449/18 DATED 23.03.2018.**

For Petitioner : Mr.V.KARUNA Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 353 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 , in Crime No.144 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely, Rani was working as an Anganvadi Noon Meal Organizer at Nachalur. The petitioner herein went to Anganvadi Centre and raised questioned against the defacto complainant that why you are not issuing the Noon Meal Flour, at that time, there was a wordy quarrel arose between them. Thereby, the petitioner assaulted the defacto complainant by using the hands and also abused her by using the filthy language. 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, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the



petitioner.

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

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, there was a wordy quarrel happened between the petitioner and the defacto complainant. Admittedly, the defacto complainant is working as a Government Servant and the petitioner is running a shop of Blood Test Center at Nachalur. On go through the averments made in the F.I.R., the offences punishable under Sections 294(b), 323, 353 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, has been registered against this petitioner. In this circumstances, the learned Government Advocate(Crl.Side) appearing for the State represented that the injured is still in the hospital. After registration of F.I.R., for the offence under Section 323 I.P.C., he made submission that the injured is still in the hospital, is unbelievable. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner. 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.II, Kulithalai, Karur District, 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/-
23/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT
- 3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

MSA
JAM/05/04/2018/ PN / SAR 1/ 3P-5C

ORDER
IN
CRL OP(MD) No.4449 of 2018
Date :23/03/2018