



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

Friday, the Twenty Third day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4535 of 2018

1 SUDHAGAR

2 AJITH

... PETITIONERS / ACCUSED 1&2

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT
IN CR.NO. 95/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.RAJESHWARAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Cr1. 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 offences punishable under Sections 294 (b), 323, 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 , in Crime No.95 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners herein abused the defacto complainant and his wife by using the filthy language and also assaulted the defacto complainant by using the aruval, due to that, 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 been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal 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. It is alleged, during the time of occurrence, due to previous enmity, the petitioners herein abused the defacto complainant and assaulted him by using the aruval and also made life threatened to him. According to prosecution, as of now, the defacto complainant has been discharged from the hospital, after completing the treatment. So, considering the nature of the offence committed by the petitioners, 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. 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, Nagercoil, 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/-
23/03/2018

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



msa
TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

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

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

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.4748

GJM/CM/VR/SAR-2-28.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.4535 of 2018

Date :23/03/2018 (2/2)