



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.471 of 2018

SANMUGA SUNDERRAJA,

... PETITIONER/ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.73/2012)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.M.MANIVEL PANDIAN Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

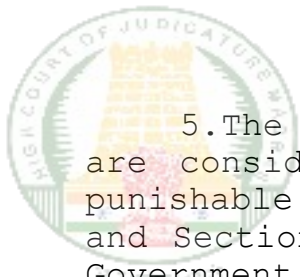
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498 (A), 323, 324, 342, 342, 506 (ii) IPC and Section 4 of TNPWH Act in Crime No.73 of 2012 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the de facto complainant are husband and wife. Due to some matrimonial dispute, the petitioner along with other accused harassed and attacked the de facto complainant and thereby caused injury.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the investigation is completed and charge sheet has been filed in C.C.No.222 of 2013 before the learned Judicial Magistrate, Vilathikulam.



5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 498 (A), 323, 324, 342, 342, 506 (ii) IPC and Section 4 of TNPWH Act. As per the submissions of the learned Government Advocate (Crl.side), as of now investigation is completed and charge sheet has been filed in C.C.No.222 of 2013 before the learned Judicial Magistrate, Vilathikulam. Therefore, custodial interrogation is not necessary. Accordingly, there is no chance to tamper the evidence and hamper the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is 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 Court, Vilathikulam on condition that each of 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 learned Judicial Magistrate Court, Vilathikulam daily at 10.30 a.m. until further orders.

(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/-
10/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.M.MANIVEL PANDIAN Advocate SR.No.519

ORDER

IN

CRL OP(MD) No.471 of 2018

Date :10/01/2018

SMA/CM-VR/SAR-2/12.01.2018:3P/6c