



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4906 of 2018

1 SELVAM

2 VIJAYA

... PETITIONERS/ACCUSED Nos.1 & 2

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.
(IN CRIME NO. 26 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.KAMESHWARAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

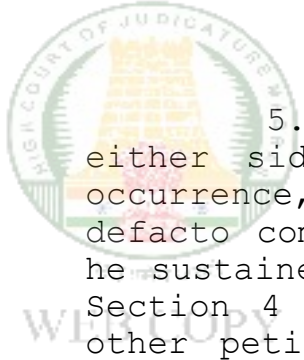
ORDER : The Court Made the following order :-

The petitioners/A-1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 323, 324, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.26 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant by using filthy language and also assaulted, thereby, the defacto complainant sustained injuries. Hence, a case has been registered against the petitioners herein.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for anticipatory bail.

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



5. The submission 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 assaulted the defacto complainant by using the wooden log and iron rod, thereby, he sustained injuries. Further, except Section 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, all other petition mentioned offences are bailable in nature and the alleged offence was happened on 24.03.2018 at 8.p.m. 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, Tirupattur, 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 and 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/-
28/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.KAMESHWARAN, Advocate SR.No.5053

ORDER
IN
CRL OP(MD) No.4906 of 2018
Date :28/03/2018

PK/RR/SAR-1/06.04.2018 : 3P/6C