



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.514 of 2018

VIJAYA KUMAR,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
(CRIME NO.934 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : M/S.S.BHARATHI Government 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 alleged offences punishable under Sections 448, 294(b), 323 and 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of TNPPDL Act, in Crime No.934 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, the petitioner trespassed into the house of the defacto complainant and threatened her family members, for withdrawing the criminal case registered against the petitioner and damaged Samsung TV worth about Rs.5,000/-. Hence, the present case is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that already, the defacto complainant's daughter has lodged a complaint against the petitioner and the same has been registered in Crime No.9 of 2015 and the same has also been taken on file in C.C.No.150 of 2015 on the file of the learned Judicial Magistrate No.II, Srivilliputhur and four witnesses have been examined. Now, the defacto complainant has lodged the present complaint against the petitioner. He has also further submitted that the petitioner is ready and willing to deposit a



sum of Rs.5,000/-, which was the value of the property damaged during the time of alleged occurrence and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that due to family dispute, the petitioner assaulted the defacto complainant and her family members and damaged Samsung TV worth about Rs.5,000/-. She further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offence under Sections 448, 294(b), 323 and 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of TNPPDL Act. It is alleged that during the time of occurrence, the petitioner herein entered into the house of the defacto complainant and committed this offence. Before the alleged occurrence, the petitioner and the defacto complainant's daughter is having yet another case, due to the family dispute. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation.

6.Taking note of all the abovesaid 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.934 of 2017 before the learned Judicial Magistrate, Rajapalayam.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(iv) the petitioner shall not abscond either during investigation or trial;

(v) 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 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/-
11/01/2018

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

ps
TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 3 THE SUB INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.611
- GJM/PN/SAR-I-12.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.514 of 2018
Date :11/01/2018