



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.566 of 2018

1 KANNADASAN
2 NATARAJAN
3 KAVIARASAN

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT
(CR.NO.5 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.SENTHIL KUMAR Advocate

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

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

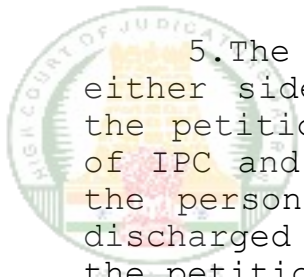
ORDER : The Court Made the following order :-

The petitioners/A1, A2 and A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 294(b), 324 IPC and 4 of Women Harassment Act, in Crime 5 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are adjacent land owners. Due to wordy quarrel between them the petitioners assaulted the defacto complainant and his family with hands and iron rods and caused injury. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioner submitted that the petitioners are innocent and they have not committed any offence as alleged in the prosecution and it is a case of case in counter and the first petitioner has also lodged a complaint against the defacto complainant and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that due to wordy quarrel, the petitioners attacked the defacto complainant and the injured has been discharged from the hospital. 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 petitioners for the alleged offences under Section 294(b), 324 of IPC and 4 of Women Harassment Act. According to the prosecution, the person, who sustained injury at the time of occurrence, was discharged from the hospital. Therefore, custodial interrogation of the petitioners are not necessary for completing the investigation.

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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 petitioners, with certain conditions. Accordingly, the petitioners 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, Thiruvaiyaru, on condition that each of the petitioners 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 petitioners 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;

(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 Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

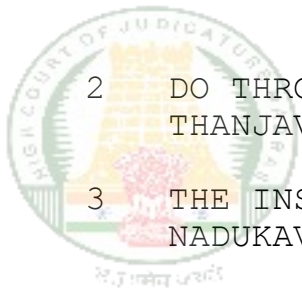
sd/-

11/01/2018

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION, THANJAVUR DISTRICT

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

+1. CC to M/S.T.SENTHIL KUMAR Advocate SR.No.601

ORDER

IN

CRL OP (MD) No.566 of 2018

Date :11/01/2018

MKV-PN-SAR 1/12.1.2018/3P-6C