



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.756 of 2018

1 R.BALASUBRAMANIAN
2 B.MUTHIAH

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.10 OF 2018

... RESPONDENT

For Petitioners : M/S.R.SANTHANAM Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused No.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323 I.P.C. and Section 4 of the Tamilnadu Women Harassment Act, in Crime No.10 of 2018, dated 07.01.2018, seek anticipatory bail.

2.The case of the prosecution is that due to the property dispute between the petitioners and the defacto complainant, the petitioners demanded for partition, due to that, they assaulted the defacto complainant by hand and caused pain. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the first petitioner sent a legal notice to the defacto complainant for demanding partition, thereby, the defacto complainant tried do to some work in respect of the house property. When the same was questioned by the first petitioner, the defacto complainant and his son have assaulted the first petitioner, due to that the first petitioner lodged a complaint before the respondent police and FIR was filed in crime No.9 of 2018. He further submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. Hence he prays for anticipatory bail.



4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that injured discharged from the hospital. According to him, investigation is not completed.

5. The submissions made by the learned counsel on either side are considered, it discloses that the offences under Sections 294 (b), 323 I.P.C. and Section 4 of the Tamilnadu Women Harassment Act, has been registered against the petitioners. It is alleged that due to the property dispute, the petitioners /Accused No.1 & 2 herein have assaulted the defacto complainant. The second petitioner is the student. It is a case of case in counter. According to prosecution, injured discharged from the hospital after completing the treatment. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. Therefore, for the reasons stated above, 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 Court No.I, Srivilliputhur, Virudhunagar District, 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/-

23/01/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.R.SANTHANAM Advocate SR.No.1152

ORDER
IN
CRL OP(MD) No.756 of 2018
Date :23/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/6c