



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

Friday, the Nineteenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.837 of 2018

1 ALAGAMMAL
2 VEERAPANDIYAN
3 BALASUBRAMANIAN

... PETITIONERS/ACCUSED
RANK NO.1 to 3

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.

... RESPONDENT

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

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

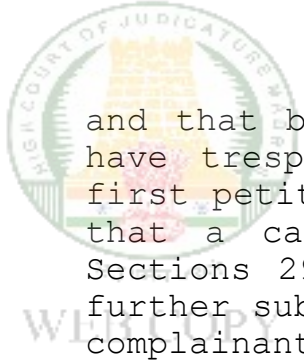
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b) and 323 of I.P.C. r/w Section 4 of TNPWH Act, in Crime No.03 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that due to previous motive, on 13.01.2018, the first petitioner along with other two petitioners attacked the defacto complainant at her house at Kallipattu Village, Sivagangai District. Further they scolded the defacto complainant by using filthy language and harassed her. So the present complaint has been lodged by the defacto complainant against the petitioner.

3.The learned counsel for the petitioners has submitted that since there was a civil dispute, the first petitioner herein has filed a suit in O.S.No.11 of 2018 on the file of the District Munsif Court, Thirupathur, Sivagangai District and got an interim injunction against the defacto complainant and her family members



and that being so, the defacto complainant and her family members have trespassed into the petitioner's property and assaulted the first petitioner and hence a complaint has been lodged and based on that a case has been registered in Crime No.03 of 2018 under Sections 294 (b) and 323 of I.P.C. r/w Section 4 of TNPWH Act. He further submitted that in order to escape from that case the defacto complainant gave a false complaint and hence he requested to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) has fairly conceded that already a civil suit is pending and the first petitioner gave a complaint and based on that a case has been registered in Crime No.04 of 2018. He further submitted that both the cases are cases in counter and investigation is still pending and he fairly conceded that the injuries sustained by the injured are simple in nature and he was also discharged from the hospital.

5.Taking into consideration the first petitioner has filed a suit against the defacto complainant and obtained an interim injunction and also the fact that both the parties lodged complaints against each other and also the fact that the injured sustained only simple injury and she was already discharged from the hospital, 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 District Munsif cum Judicial Magistrate Court, Thirupathur, Sivagangai 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 second and third petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of four weeks and thereafter as and when required for the purpose of interrogation and considering the age of the first petitioner no condition is imposed on him.

(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]**.

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19/01/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
NACHIYARPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.VANCHINATHAN Advocate SR.No.992

ORDER
IN
CRL OP(MD) No.837 of 2018
Date :19/01/2018

PK/RR/SAR-2/23.01.2018 : 3P/6C