



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.825 of 2018

ISAC THOMAS,

... PETITIONER/ACCUSED No.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THUVARANKURUCHI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.4 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.ILLANCHEZIAN 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 petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 354 and 354(A) I.P.C., in Crime No.4 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. The petitioner/A1 had given sexual harassment and attempted to behave illegally to the defacto complainant. Hence, based on the complaint given by the defacto complainant, case has been registered against the petitioner/A1 herein.

3.The learned counsel appearing for the petitioner submitted that there was a dispute between the petitioner's family and the defacto complainant's family with regard to civil suit in O.S.No.104 of 1985. On the date of occurrence, originally the defacto complainant and her family members are assaulted the petitioner, due to that, the petitioner sustained the severe injuries. Hence, the petitioner's brother Samuvel James gave a complaint before the respondent police against the defacto complainant, thereby, case has been registered under Sections 147, 148, 294 (b), 324 and 506(ii) IPC in Crime No.3 of 2018. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. Hence he prays for anticipatory bail.



4.The learned Government Advocate (Crl.side) submitted that it is a case of case in counter and investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioner for the offences under Sections 294(b), 354 and 354 (A) IPC. It is a case of case in counter. According to prosecution, it is alleged that during the time of occurrence, the petitioner herein wrongly entered into the defacto complainant's house and tried to commit the offence. Admittedly, the petitioner and the defacto complainant having previous enmity for the past several months. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he 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, Manapparai, 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 report before the Karur Town Police Station daily at 10.00 a.m. until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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 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/-
18/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
THUVARANKURUCHI POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.V.ILLANCHEZIAN Advocate SR.No.880

ORDER

IN

CRL OP(MD) No.825 of 2018

Date :18/01/2018

SMA/RR/SAR-4/23.01.2018:3P/6c