



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.844 of 2018

1 S.LOGANATHAN,
2 MARIAMMAL,

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SHOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.

IN CRIME NO.NOT KNOWN OF 2018. ... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.A.MUTHUKRISHNAN Advocate

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

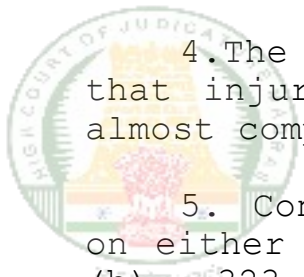
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Rank not known, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(i) I.P.C., in Crime No. Not known of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the petitioners went to bring water from near by house, at that time, the defacto complainant had come to fetch water, due to that, there was a dispute arose between them. The petitioners beaten the defacto complainant, thereby, the defacto complainant fell down and sustained head injury. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are husband and wife. He further submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side) submitted that injured discharged from the hospital and investigation is almost completed.

5. Considering the submissions made by the learned counsel on either side, it discloses that the offence under Sections 294 (b), 323, 324 and 506(i) has been registered against the petitioners. According to the prosecution, part of the investigation is completed and the person who sustained injury has also been discharged from the hospital after completing the treatment. Apart from that, except 506(i), the other petition mentioned offences are bailable in nature. So, custodial interrogation of the petitioners is not necessary for completing the investigation. Hence, 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, Vadipatti, 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 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 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 /



msa/smi

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SHOLAVANTHAN POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.A.MUTHUKRISHNAN Advocate SR.No.1366

GJM/CSL/RR/SAR-2-29.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.844 of 2018

Date :23/01/2018