



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

Friday, the Twentieth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.6352 of 2018

1 JOYAL @ JOYAL RAJ
2 PERIYASAMY
3 CHINNAMANI

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI DISTRICT,
CR.NO.44/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.KARUPPASAMY PANDIYAN Advocate

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

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

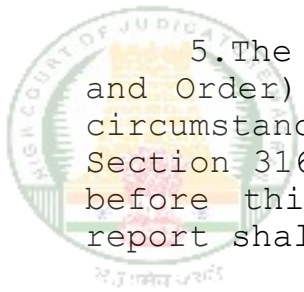
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent Police for the offences under Sections 294 (b), 323, 316 and 506 (ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.44 of 2018 and seek anticipatory bail. They have been shown as Accused Nos.1 to 3.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl Side) appearing for the respondent.

3.The second petitioner is said to have kicked the de facto complainant on her stomach and this leading to miscarriage. Considering the nature of allegations made against the second petitioner this Court is not inclined to grant anticipatory bail to him, hence anticipatory bail is dismissed as far as the second petitioner is concerned and this Court is inclined to grant anticipatory bail to the petitioners 1 and 3 herein.

4.It is submitted by the learned counsel for the de facto complainant that an Alteration Report was later filed and the offences under Section 316 of IPC was deleted.



5.The Assistant Commissioner, Thilagar Thidal, Madurai, (Law and Order), is directed to hold an enquiry as to how and in what circumstances the Alteration Report was filed and the offences under Section 316 of IPC was deleted. A copy of the report shall be filed before this Registry on or before 28.04.2018 and a copy of the report shall be placed before this Court.

6.Taking note of the nature of the allegations, the Anticipatory Bail is granted to the first and third petitioners with certain conditions. Accordingly, the first and third petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila cum Judicial Magistrate, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first and third petitioners shall appear before the respondent police as and when required for interrogation. The first and third petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The first and third petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
20/04/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL MAHILA CUM JUDICIAL MAGISTRATE, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.6782

ORDER IN
CRL OP (MD) No.6352 of 2018
Date :20/04/2018