



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

Wednesday, the Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17938 of 2017

1 R.THAVASI,
2 P.VIJAYARANI,
3 VASANTH,
C/O.R.THAVASI,

... PETITIONERS/ACCUSED No.1 to 3

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
FORT POLICE STATION,
IN CRIME NO.1458 OF 2017,
TRICHY DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.SUBASH BABU Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are arrayed as A-1 to A-3 in Crime No.1458 of 2017 of Fort Police Station. They apprehend arrest at the hands of the respondent police for the alleged offences under Section 294 (b), 323, 427, 506(i) IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, they have filed this petition, seeking grant of anticipatory bail.

3. The case of the prosecution is that the petitioner as well as the de-facto complainant are neighbours, due to the previous enmity existing between the petitioners and the defacto complainant, the petitioners trespassed into the de-facto complainant's house and assaulted her, for which, she sustained simple injury.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they are in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



5. The learned Additional Public Prosecutor submitted that the petitioners assaulted the de-facto complainant with hand and no one has been injured.

6. Considering the submissions on either side, it appears that the offence u/s. 294(b), 323, 427, 506(i) IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, has been registered against the petitioners. However, the learned Additional Public Prosecutor represented that no body sustained injury. Hence, there is no scope for altering the section of law in future.

7. Therefore, taking the above said aspects into consideration, and having regard to the nature of offence, this Court come to the conclusion that in order to complete investigation, custodial interrogation is not necessary, accordingly this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(i) The petitioners are granted anticipatory bail in the event of their arrest or on their surrender before Judicial Magistrate No.I, Trichy, on or before 17.01.2018, failing which the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.25,000/- each with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.I, Trichy.

(iii) **The petitioners are directed to appear before the respondent / police daily at 10.00 a.m. for a period of 15 weeks.**

(iv) The petitioners shall make themselves available for interrogation as and when required by the investigation officer.

(v) 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/-
03/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I, TRICHY

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
FORT POLICE STATION, IN TRICHY DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.126

ORDER
IN
CRL OP(MD) No.17938 of 2017
Date :03/01/2018

SMA/VR/SAR-2/08.01.2018:2P/6c