



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.18043 of 2017

1 SELVAM
2 KAVITHA

... PETITIONERS / ACCUSED NO.1 & 3

Vs

1 THE STATE, REP.BY
THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT
(CRIME NO.546/2017) ...1ST RESPONDENT/COMPLAINANT

2 NIRMALA ... 2ND RESPONDENT/DEFACTO COMPLAINANT

For Petitioners : M/S.A.KARTHIK Advocate

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

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

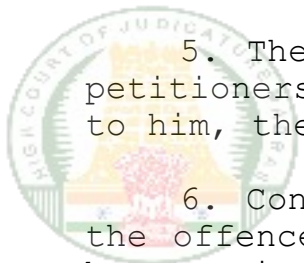
ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are arrayed as A-2 and A-3 in Crime No.546 of 2017 of Veerapandi Police Station. They apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 324 IPC and 4 of Women Harassment Act, they have filed this petition, in which they seeking the relief of anticipatory bail.

3. The case of the prosecution is that the second petitioner and the de-facto complainant have taken water from the public tap, at the time, due to the personal enmity with the de-facto complainant, the petitioners abused the de-facto complainant with filthy languages and caused life threat to the de-facto complainant with dire consequences.

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 and the de-facto complainant are relatives. According to him, the injured was discharged from hospital.

6. Considering the submissions on either side, it appears that the offence u/s.294(b), 324 IPC and 4 of Women Harassment Act, has been registered against the petitioners and that the alleged offence was happened between the petitioners and the defacto complainant, who are close relatives and that the other accused in this case was arrested and released on bail. However, the learned Additional Public Prosecutor appearing represented that the person who sustained injuries during the time of occurrence was discharged from the hospital after completing the treatment. Since the defacto complainant and the petitioners are relatives, there is no chance for tampering the witness and tampering the investigation and further for this type of offence, custodial intragation is not necessary for completing investigation.

7. Hence, taking all the above said aspects into consideration, and having regard to the nature of offence, 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, Theni 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, Theni.

(iii) The petitioners are directed to appear before the respondent / police daily at 10.00 a.m. for a period of 30 days.

(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

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Is/Skn
TO

1 THE JUDICIAL MAGISTRATE, THENI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT

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

+1. CC to M/S.A.KARTHIK Advocate SR.No.42

GJM/RR/SAR-4-8.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.18043 of 2017
Date :03/01/2018