



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

Monday, the Twelfth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20194 of 2018

1.K.RAJA
2 S.VELMURUGAN
3 S.SHANMUGAVEL

... PETITIONERS / ACCUSED Nos.1 to 3

Vs

THE STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
NALATINPUDUR POLICE STATION AT VANARAMUTTI,
THOOTHUKUDI DISTRICT.
(CRIME NO.233/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SOLAISAMY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 342 and 506 (ii) I.P.C r/w. Section 4 of Woman Harassment Act in Crime No.233 of 2018, seek anticipatory bail.

2. The case of the prosecution is that there is some dispute between the petitioners and the *de-facto* complainant regarding construction of Ganesh Idol in the temple, due to which, a wordy quarrel arose between the petitioners and the *de-facto* complainant and the petitioners are said to have assaulted the *de-facto* complainant with stone and hands.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence.

4. The learned Government Advocate (Crl. side) would submit that the *de-facto* complainant has been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions of both the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 Court No.II, Kovilpatti on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first and second petitioners shall report before the respondent Police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/11/2018

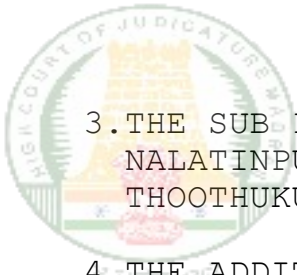
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
NALATINPUDUR POLICE STATION AT VANARAMUTTI,
THOOTHUKUDI DISTRICT.

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

+1. CC to MR.M.SOLAISAMY Advocate SR.No.21391

ORDER

IN

CRL OP (MD) No.20194 of 2018

Date :12/11/2018

tsg

AE/RR/SAR1/19.11.2018/3P/6C