



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21090 of 2018

1 AMALRAJ
2 ALAGARSAMY

... PETITIONERS / ACCUSED No. 1 & 2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 314 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.SENTHIL KUMAR Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners in both petitions apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(ii) of IPC and Section 4 of TNPHW Act, 2002, in Cr.No.314 of 2018 seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner harassed the defacto complainant's daughter. When the defacto complainant questioned the same, the accused person scolded him with filthy language and assaulted him by hands. Hence, the complaint.

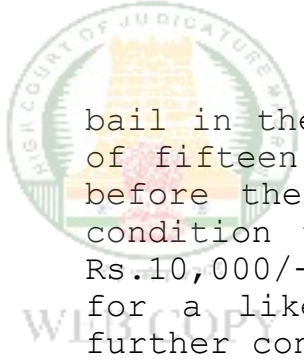
3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have not committed any offence as alleged by the prosecution. This is a case in counter case.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners and the defacto complainant are the neighbours.

5.Taking into consideration the facts of the case and the facts that the petitioners and the defacto complainant are the neighbours, this Court inclined to grant anticipatory bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

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 No.II, Ramanathanpuram, 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 petitioners shall report before the respondent police 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/-
28/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II, RAMANTHAPURAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM
- 3 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.R.SENTHIL KUMAR Advocate SR.No.22404
ORDER
IN

CRL OP(MD) No.21090 of 2018
Date :28/11/2018