



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

Tuesday, the Thirteenth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20252 of 2018

1.SHANMUGAM

2.ASHOCK

3.VIGNESH

... PETITIONERS / ACCUSED NO.1,2 & 4

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 192 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.VEERAKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, Govt.Advocate(Crl.Side)

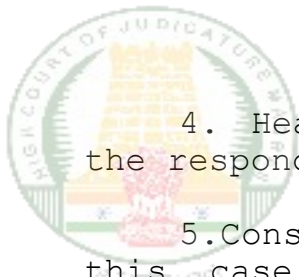
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.192 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the dispute regarding bursting the crackers on deepavali occasion, there was a wordy quarrel between the petitioners and the defacto complainant. Due to which, the petitioners assaulted the defacto complainant. Hence a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant have residing in the same village. They have not committed any offence as alleged by the prosecution. The petitioners lodged a complaint against the defacto complainant, a case has been registered in Crime No.191 of 2018. Hence, he prays for grant of anticipatory bail to the petitioners.



4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case and that this case in counter case, 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, Muthukulathur, 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] the petitioners shall report before the respondent police as and when required for interrogation.

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

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

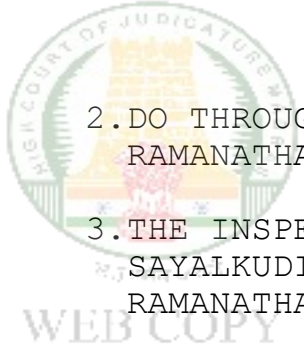
sd/-
13/11/2018

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

TO

1. THE JUDICIAL MAGISTRATE,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.T.VEERAKUMAR Advocate SR.No.21459.

ORDER

IN

CRL OP(MD) No.20252 of 2018

Date :13/11/2018

RAM/PN/SAR 2/19.11.2018/3P/6C