



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20293 of 2018

1 NAGARAJAN

2 KASI NATHA DURAI

... PETITIONERS/ ACCUSED No. 1 & 2

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

(CRIME NO. 265 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.S.ANNADURAI 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), 342, 323, 324, and 506(ii) of I.P.C. and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002, in Crime No.265 of 2018, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute existed between the petitioners and the defacto complainant and the civil case in O.S.No.25 of 2018 is pending before the learned District Munsif, Ilayankudi. Due to the above motive, the petitioners assaulted the defacto complainant using wooden log and caused injuries. Hence a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are belonged to same village. They have not committed any offence as alleged by the prosecution. The petitioners also lodged a complaint against the defacto complainant, a case has been registered in Crime No.266 of 2018. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) would submit that the injured has been discharged from the hospital.

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, Ilayankudi, 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 daily at 10.30 am for a period of two weeks and thereafter, 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, ILAYANKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE

ILAYANKUDI POLICE STATION, SIVAGANGAI DISTRICT.



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

+1. CC to MR. JEYAKARTHIK Advocate SR.No.21483

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ORDER

IN

CRL OP (MD) No.20293 of 2018

Date :13/11/2018

MSI/PN/SAR-II/19.11.2018-3P/6C