



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20275 of 2018

1 VANMIGANATHAN
2 SASIVARNAM

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.55/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.M.SANJAY, 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 :-

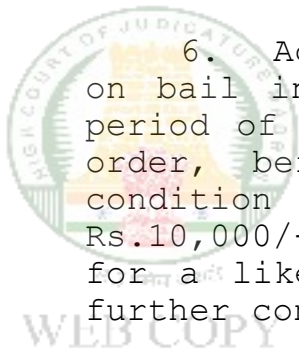
The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 294(b), 323 and 506(ii) 379(NH) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.55 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners used abusing filthy language and attacked the defacto complainant and taken 2 sovereigns of gold ring. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do _the same as alleged by the defacto complainant.

4.The learned Additional Public Prosecutor for the respondent police submitted that the injured has been discharged from the hospital.

5.Taking into consideration the facts of the 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, Devakottai, 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 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/-

14/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.M.SANJAY Advocate SR.No.21498

ORDER

IN

CRL OP(MD) No.20275 of 2018

Date :14/11/2018

MS/MMS/SAR-1/15.11.2018/2P.6C