



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.20319 and 20360 of 2018

PR.BALAMURUGAN

... PETITIONER/ ACCUSED RANK NOT KNOWN
IN CRL OP(MD)NO.20319 OF 2018

1 ARUMUGAM

2 MATHAVAN

... PETITIONERS/ ACCUSED RANT NOT KNOWN
IN CRL OP(MD)NO.20360 OF 2018

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.202/2018

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners: Mr.ARL.SUNDARESAN, Senior Counsel for
Mr.J.ANANDKUMAR Advocate
IN CRL OP(MD)NO.20319 OF 2018

: Mr.T.BALAKRISHNAN, Advocate
IN CRL OP(MD)NO.20360 OF 2018

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)
in both the petitions

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, 353 and 506(i) r/w Section 4 of T.N. Prohibition of Harassment of Woman Act in Cr.No.202 of 2018 seek anticipatory bail.

2. The case of the prosecution is that A1 is the owner of the property and A2 and A3 are the relatives of A1. On 09.11.2018, the accused persons questioned the Assessor/defacto complainant in TNEB about calling upon him for remittance of electricity charges. Due to which there seems to be some wordy quarrel arose between them and the defacto complainant sustained injury in this case.



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 offences.

4. The learned Government Advocate (Crl. Side) would submit that the injured person in this case has been discharged from the hospital.

5. Taking into consideration the facts of the case and the facts that the injured person in this case has been discharge from the hospital, this Court 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 police daily at 10.30 a.m. 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/-
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 SUB INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to Mr.J.ANANDKUMAR Advocate SR.No.21526

+1CC TO Mr.T.BALAKRISHNAN, Advocate, SR NO.21527

ORDER IN

CRL OP(MD) Nos.20319 and 20360 of 2018

Date :14/11/2018

MS/VR-MMS/SAR-2/19.11.2018/3P.7C