



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

WEB COPY

CRL OP(MD) No.20363 of 2018

1 RAMACHANDRAN
2 THAMILARASI
3 SEKAR

... PETITIONERS/ ACCUSED 1 to 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VELAYUTHAPATTINAM POLICE STATION,
SIVAGANGAI DISTRICT.
Crime NO.56 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.K.RAJESHWARAN, 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 :-

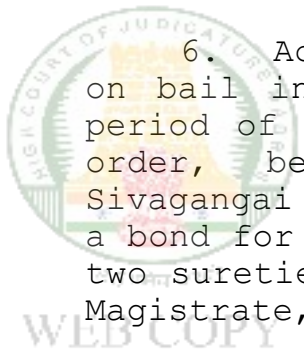
The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 336, 289 and 506(ii) IPC and Section 4 of Tamil Nadu Prevention of Women Harassment Act in Crime No.56 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners abused and attacked the defacto complainant. 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. He also submitted that the petitioners have also preferred a complaint against the defacto complainant and that also registered in Crime No.55 of 2018. It is case in counter.

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, Sivagangai District, 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,
SIVAGANGAI DISTRICT.
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.K.RAJESHWARAN Advocate SR.No.21585

ORDER

IN

CRL OP(MD) No.20363 of 2018

Date :14/11/2018

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