



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20807 of 2018

1 BALAMANI

2 DHARMAR @ DHARMARAJ

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REPRESENTED BY.
THE INSPECTOR OF POLICE,
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO. 248 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.SOLAISAMY Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, registered in Cr.No.428 of 2018 seek anticipatory bail.

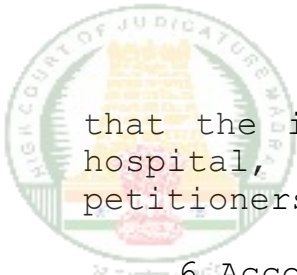
2.The case of the prosecution is that the petitioners and the defacto complainant are adjacent shop owners. On 11.11.2018, the petitioners took sand in front of the defacto complainant's shop and put it the same in front of the petitioners' shop. When the same was questioned by the defacto complainant, the petitioners assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that both are adjacent shop owners and due to some dispute there was a quarrel arose between them.

<https://hcservices.ecourts.gov.in/hcservices/>

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 No.II, Sattur, 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 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/-

23/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTTUR.



3 THE INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.M.SOLAISAMY Advocate SR.No.22071

PS/JC/SAR-4/28/11/2018/3P/6C

ORDER
IN
CRL OP(MD) No.20807 of 2018
Date :23/11/2018