



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22880 of 2018

1 MUNIYASAMY
2 MUTHUKRISHNAN
3 PONNUMANI
4 BOOMADEVI
5 SUBRAMANI

... PETITIONERS / ACCUSED 1 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
OTTAPIDRAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.194/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.V.MALAIYENDRAN 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, 294(b), 323, 506(i) IPC and Section 4 of Tamil Nadu Women Harassment Act in Crime No.194 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to some wordy quarrel, the petitioners assaulted the defacto complainant and her husband and abused them in filthy language. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the injured has been discharged from the hospital, after completing the treatment. According to him,



investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein assaulted the defacto complainant and her husband. The case has been registered for the offences under Sections 147, 294(b), 323, 506(i) IPC and Section 4 of Tamil Nadu Women Harassment Act, in which, only Sections 506(i) I.P.C., is non bailable in nature. As of now, the person, who sustained injury has been discharged from the hospital. Thereby, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with some stringent condition. Accordingly, they 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, Vilathikulam, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent Police as and when required for the purpose of interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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].

sd/-
27/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
OTTAPIDRAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.V.MALAIYENDRAN Advocate SR.No.24125

PS/PN-AC/SAR-3/28.12.2018/3P/6C

ORDER

IN

CRL OP(MD) No.22880 of 2018

Date :27/12/2018