



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20611 of 2018

1 PRASANTH
2 RAJAPANDI
3 ARUN
4 PRABHU @ LINGAPRABHU
5 DINESH

...PETITIONERS/ACCUSED 4,5,9 TO 11

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.408/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.VIKRAM, Advocate

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

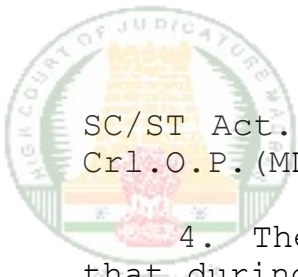
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women act, 2002 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Cr.No.408 of 2018 seek anticipatory bail.

2. The case of the prosecution is that on 07.11.2018, while the defacto complainant was in her house there was a loud noise arose by the petitioners. Hence, the defacto complainant questioned the same. At that time, the petitioners abused her with filthy language and assaulted her with iron rod and damaged her residential area and Thevar statue. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they are falsely implicated in this case. It is a case in counter case. The petitioners have lodged a complaint in Crime No.409 of 2018 against the defacto complainant under Section 294(b), 323, r/w 3(1)(r)(s) of



SC/ST Act. A8 was granted with anticipatory bail on 14.11.2018 in CrI.O.P. (MD).No.20327 of 2018 by this Court.

4. The learned Government Advocate (CrI. Side) would submit that during Deepavali celebrations there was a quarrel arose between the petitioners and defacto complainant. This is a case in counter case.

5. Taking into consideration the facts of the case and considering the fact this is a counter case and A8 was granted with anticipatory bail by this Court, 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 Additional Mahila Court No.II, Madurai, 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 p.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/-

19/11/2018

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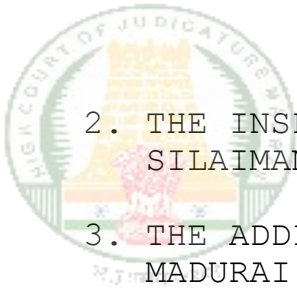
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,

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

ADDITIONAL MAHILA COURT NO.II, MADURAI.



2. THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION, MADURAI DISTRICT.

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

+1. CC to Mr.S.VIKRAM Advocate SR.No.21741

ORDER

IN

CRL OP(MD) No.20611 of 2018

Date :19/11/2018

MS/VR-MMS/SAR-1/22.11.2018/3P.5C