



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

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22250 of 2018

1 KARTHIGAISAMY

2 ANANDARAJ

... PETITIONERS / ACCUSED Nos. 1 &

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.156/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.SENTHIL Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.156 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. Due to missing of money from the house of the petitioners, the petitioners enquired the defacto complainant and for which, a wordy quarrel arose between the parties and in which, the petitioners are said to have scolded the defacto complainant and threatened him with dire consequences.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that no-one sustained injury in the alleged occurrence.



5. Taking into consideration the facts of the case and also considering the fact that no-one sustained injury in the alleged occurrence, 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, Paramakudi, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner 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/-
17/12/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
PARAMAKUDI TALUK POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.



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

+1. CC to MR.D.SENTHIL Advocate SR.No.23486

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ORDER

IN

CRL OP (MD) No.22250 of 2018

Date :17/12/2018

MSI/VR-MMS/SAR-II/21.12.2018-3P/6C