



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1194 of 2019

1 MAGESWARI

2 RMASAMY@NARIYAN

3 GOVINTHARAJ

... PETITIONERS / ACCUSED NO.1 & 3,4

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.15/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.BASKARA MATHURAM, Advocate for Mr.MATHURAM LAW
ASSOCIATES 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 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 448, 355, 323, 506(i) of IPC r/w. Section 4 of Women Harassment Act in Cr.No.15 of 2019 seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with others unlawfully assembled together and trespassed into the house of the defacto complainant and caused injuries to the defacto complainant and threatened him with dire consequences.

3. The learned counsel for the petitioners would submit that it is a case in counter and on the complaint given by the petitioners, the case was also registered against the de-facto complainant. He would further submit that the injured has also been discharged from the hospital.

4. The learned Additional Public Prosecutor would submit that due to dispute between the parties, case and counter case have been lodged by the respective parties. He would further submit that the injured had been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged 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, before the learned Judicial Magistrate No.I, Srivilliputhur, Viruthunagar 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 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/-
28/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-I,
SRIVILLIPUTHRU, VIRUTHUNAGAR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT ANT SRIVILLIPUTTUR.

3 THE SUB INSPECTOR OF POLICE
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.K.KARMEGAM Advocate SR.No.1194

PS/JC/SAR-3/05.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.1194 of 2019

Date :28/01/2019