



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.12 of 2019

1 KAMILA ILAVARASI

2 MOHAMED SELVAM

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

THALLAKULAM POLICE STATION,

MADURAI DISTRICT.

(CRIME NO.1766/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.J.SULTHAN BASHA, Advocate for

Mr.AJMAL ASSOCIATES 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/Accused 1 & 2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 & 506(i) IPC in Crime No.1766 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners harassed and ill-treated the defacto complainant. They also physically and mentally tortured the defacto complainant.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they had nothing with the alleged crime. Hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, injured has been discharged from the hospital and investigation is going on.

5.Considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

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.2, Madurai and on their executing 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 learned



Magistrate concerned and on further condition that

[a] if the petitioners failed 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/-

04/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.2, MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI DISTRICT.

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

+1. CC to MR.J.SULTHAN BASHA, Advocate for Mr.AJMAL ASSOCIATES
Advocate SR.No.304

PS/PN/SAR-2/09.01.2019/3P/6C

ORDER

IN

CRL OP(MD) No.12 of 2019

Date :04/01/2019