



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1722 of 2019

1 KALIRAJ
2 MAHESH

... PETITIONERS / ACCUSED
RANK No. 1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
THIRUVENKADAM TALUK,
TIRUNELVELI DISTRICT.
(CRIME NO. 23 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.INDRACHITHU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

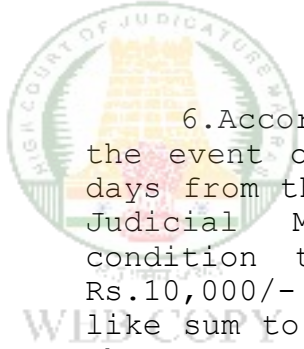
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.23 of 2019, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, due to which, the petitioners trespassed into the defacto complainant's home and assaulted him and caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution, since there was a civil dispute between the petitioners and the defacto complainant. They have been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) would submit that the injured has been treated as an out-patient.

5. Considering the facts and circumstances of the case and also considering the fact that the dispute arose on account of wordy quarrel, 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 Court, Sankarankovil, Tirunelveli 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] the petitioners shall appear before the respondent police as and when required for interrogation.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 petitioner 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/-
01/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SANKARAN KOVIL, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
THIRUVENKADAM TALUK, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.T.INDRACHITHU Advocate SR.No.2196

ORDER
IN

CRL OP(MD) No.1722 of 2019
Date :01/02/2019