



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1860 of 2019

1 TAMILAN
2 NITHILA
3 JEYASEELA
4 PRABHA

... PETITIONERS / ACCUSED 1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
GUDALORE NORTH POLICE STATION,
THENI DISTRICT.
(CRIME NO.28/2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.RAMESHKUMAR, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
For Intervenor : Mr.S.SUNDARAPANDIAN, Advocate

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 alleged offence under Section 147, 148, 448, 323, 324, 506(ii) and 379 IPC and Section 4 of the TNPPDL Act and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Cr.No.28 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first petitioner and one Ganesan are running a hotel and both are partners. At the relevant time, the said Ganesan's relative/defacto complainant came to the hotel and intervened the hotel administration. Due to that, there was a quarrel arose between them. For which, the defacto complainant assaulted the first petitioner and the first petitioner along with other petitioners assaulted the defacto complainant. Hence, the complaint has been lodged by the defacto complaint.

3.The learned counsel appearing for the petitioners would submit that it is the case in counter. The petitioners have also lodged a complaint before the respondent police but the same was not



registered. He further would submit that the petitioners did not commit any offence as alleged by the prosecution. He also submit that the petitioners are ready to deposit Rs.50,000/- (Rupees Fifty Thousand only) to the credit of crime number.

4. The learned counsel for the intervenor would submit that the petitioners assaulted the defacto complainant and his wife and they have stolen Rs.79,000/- (Rupees Seventy Nine Thousand only) from the house. Therefore, he vehemently opposed for granting anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor (Crl.side), on instructions, would submit that the investigation is pending.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. 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, Uthamapalayam, Theni 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.28 of 2019.

(c) the first petitioner shall report before the respondent police daily at 10.30 am., until further orders. The petitioners 2 to 4 shall report before the All Women Police Station, Uthamapalayam, 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
GUDALORE NORTH POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM.

+1. CC to Mr.D.RAMESHKUMAR Advocate SR.No.2362

ORDER

IN

CRL OP(MD) No.1860 of 2019

Date :05/02/2019

MS/PN/SAR-4/06.02.2019/3P.7C