

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7344 of 2019

AND

CRL MP (MD) No.4685 of 2019

1 SARAVANAN

2 KASTHOORI

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.80/2019)

... RESPONDENT/COMPLAINANT

S.KARTHIGA @ RAGINI KARTHIGA

... PETITIONER/THIRD PARTY @
DEFACTO COMPLAINANT
in CRL MP (MD) No.4685/2019

For Petitioners : MR.P.MUTHUPANDI, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervenor : MR.N.PRAGALATHAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.1&2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 323 and 506(ii) IPC, in Crime No.80 of 2019, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners attacked the defacto complainant and abused her by using the filthy language. Thus, on complaint, a case has been registered against the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, they did not

commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned counsel appearing for the intervenor submitted that the petitioners attacked the *defacto* complainant without any reasons.

5.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the investigation is still pending.

6.The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to family dispute, the petitioners attacked the *defacto* complainant and abused her by using the filthy language and thereby, the *defacto* complainant has sustained injury. In a case registered against the petitioners, except the offence under Section 506 (ii) IPC, all other offences are bailable in nature. As of now, the person who sustained injury in the alleged occurrence has also been discharged from the hospital after taking treatment. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. So, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some conditions.

7. 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, Srivaikundam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

- (I) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.
- (ii) the petitioners shall appear before the respondent Police daily 10.00 a.m., for a period of one month and thereafter as and when required for interrogation;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

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

TO

1. THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
3. THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.7344 of 2019
AND
CRL MP (MD) No.4685 of 2019
Date :29/05/2019

SM/VSG
PK/JC/SAR-2/06.06.2019 : 3P/5C