

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.7566 of 2019

VALARMATHY

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
C3, S.S.COLONY POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.435/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.PALANI, Advocate
For Respondent : Mr.R.ANANDRAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act 2002, in Crime No.435 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the husband of the defacto complainant and son of the petitioner. The petitioner and other accused abused the defacto complainant by using the filthy language and also attacked them. Thus, on complaint, a case has been registered against the petitioner and others.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to civil dispute,

the petitioner and other accused attacked the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. In a case registered against the petitioner, except the offence under Section 506 (ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act 2002, 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 petitioner 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.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court (Judicial Magistrate Level, Madurai), on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner 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 petitioner shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner 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 petitioner shall stand automatically cancelled and 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]**.

sd/-

29/05/2019

/ TRUE COPY /

TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL),
MADURAI.

2 THE INSPECTOR OF POLICE
C3, S.S.COLONY POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR.P.THAMBIDURAI, Advocate SR.No.8920

ORDER
IN
CRL OP(MD) No.7566 of 2019
Date :29/05/2019

MS/JC/SAR-3/03.06.2019/3P.5C



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