

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 25/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8884 of 2019

1.Powen Kumar
2.Pappa
3.Muniyasamy

... Petitioners/Accused
Nos 1 to 3

Vs

The State rep.by
The Inspector of Police,,
Kodaikanal Police Station,
Dindigul District.
Crime No.206/2019.

... Respondent/Complainant

For Petitioners : M/s. A.S.Vaigunth,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.206/2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offence punishable under Sections 294(b),
324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act 2002, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that he is withdrawing the petition in respect of the
first petitioner. He further submitted that there are totally four
accused persons involved in this case and A-2 and A-3 are the
parents of A-1. He further submitted that the injured person was
already discharged from the hospital and hence, he prayed for
granting anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police has submitted that there are totally four accused persons involved in this case. She further submitted that the first petitioner/A-1 is the husband of the de-facto complainant and A-2 and A-3 are the in-laws of the de-facto complainant. She further submitted that the first petitioner had illicit intimacy with one Thamaraiselvi and when the same was questioned by the de-facto complainant, the petitioners and one more accused person attacked the de-facto complainant and caused injury, hence she, strongly opposed this petition. However, she fairly conceded that the injured was already discharged from the hospital.

5.Taking into consideration of the main allegation is only against A-1 and A-4, the petitioners 2 and 3 are only the parents of A-1 and also considering the fact that the injured person was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

6.Accordingly, the petitioners 2 and 3 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, Kodaikanal and the petitioners petitioners 2 and 3 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]If the petitioners 2 and 3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioners 2 and 3 shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

[c]the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7.As regards the first petitioner, this petition is dismissed as withdrawn.

sd/-
25/06/2019

/ TRUE COPY /

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

TO

1.The Judicial Magistrate, Kodaikanal.

2.Do-Through The Chief Judicial Magistrate,
Dindugal District.

3.The Inspector of Police,,
Kodaikanal Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-10469[I] dated 26/06/2019)

ORDER
IN
CRL OP(MD) No.8884 of 2019
Date : 25/06/2019

sjj
TK/VR/SAR.3/01.07.2019/3P/6C

WEB COPY