



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

Monday, the Second day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.667 of 2015

1 SUBASH
2 SUBBURAJ
3 P.GOVINDARAJ @ GOPI ... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI CITY.
****CRIME NO. 40 OF 2015** ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.NEELAMEGAM Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)
For Intervenor : M/S.R.VINOTH BHARATHI, 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 punishable under Sections 294(b), ***323** and 506(ii) IPC, in ****Crime No.40 of 2015** on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that these petitioners are running a Tea Shop in a property that belongs to a society. The case of the *de facto* complainant is that he has purchased the property from the present President of the society. But, the learned counsel for the petitioners states that the petitioners herein have a lease entered into between them and the ex-president, which is under serious dispute.

3. The learned Government Advocate [Criminal Side], on instructions submits that no one sustained injury in the incident.

3. Considering the above, I am 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, IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety 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 first petitioner shall report before the respondent police twice a day at 10:30 in the morning and 06:30 in the evening for a period of one week and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioners are complying with the order or not.

sd/-
02/02/2015

***,** Amended as per order of this Court dt.09.03.2015 made in MP.1/15 and Two Weeks time is extended for / TRUE COPY / furnishing sureties from the date of receipt of copy of the amended order. Rest of the condition shall remain unaltered.**

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

TO

(To be substituted for the order already despatched)

- 1.THE JUDICIAL MAGISTRATE NO.IV
MADURAI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION, MADURAI CITY.
- +1cc to Mr.K.NEELAMEGAM ,Advocate Sr.No. 4577
RL/6 C- 5/2/2015
AA/13.03.2015/2p- 6c/(Amended Order)

ORDER
IN
CRL OP(MD) No.667 of 2015
Date :02/02/2015