



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.10041 of 2016

1 MAJOR
2 SUBRAMANI
3 JEGADEESWARI
4 CHELLAMMAL

... PETITIONERS/ACCUSED NO.3 TO 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 338 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.GOKUL Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

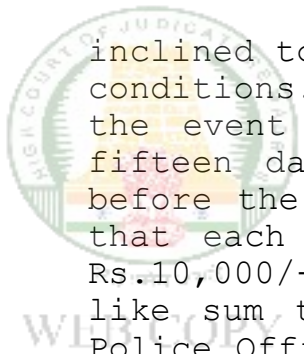
The petitioners, who are arrayed as Accused Nos.3 to 6, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 447, 294(b) and 506 (ii) of IPC and Section 4 of Woman Harassment Act, in Crime No.338 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the property in question belongs to the defacto complainant's family. The father of the defacto complainant permitted the first petitioner, who is the brother of the mother of the defacto complainant, to run the Water Service Station. Subsequently, due to some dispute, the defacto complainant's father asked the first petitioner to vacate the shed and hand over the possession and locked the shed. The father of the defacto complainant was murdered. On 17.06.2016, the petitioners broke open the lock and entered into a shed with deadly weapons and tried to attack the defacto complainant and his wife. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The first petitioner already filed O.S.No.63 of 2016, before the Munsif Court, Thirumangalam for injunction and obtained an ex-parte injunction. When the defacto complainant violated the order of injunction contempt proceedings also initiated. The first petitioner also given complaint against the defacto complainant.

4.Heard the learned Government Advocate(Crl.side).

5.Considering the facts and circumstances of the case and also considering the fact that civil proceedings initiated by the first petitioner is pending and case and case in counter, this Court is



inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Thirumangalam, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 condition that:

- (i) the petitioners 1 to 3 shall report before the respondent Police daily at 10.30 a.m. until further orders and the fourth petitioner shall report before the respondent police as and when required.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
24/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.
- 2 Do through THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, AUSTINPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S K.GOKUL Advocate SR.No.33090

ORDER
IN
CRL OP(MD) No.10041 of 2016
Date :24/06/2016