



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10972 of 2016

1 SURESH
2 SELVAKUMAR
3 RAJA @ RAJASEKAR
4 ATHI MANIKANDAN

..PETITIONERS/ACCUSED 1 to 4

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR NO. 261 OF 2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S P.MANI ANANDH Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

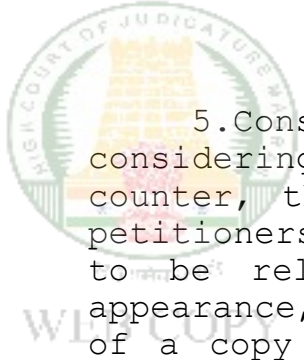
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447 and 506(i) IPC read with Section 3 of TNPPDL Act and Section 4 of TNPHW Act, in Crime No.261 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 29.06.2016 due to dispute between the families of the petitioners and their neighbour, they attacked each other. The petitioners attacked the de facto complainant and his wife and also damaged household articles. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. On the date of occurrence, the de facto complainant came to the house of the petitioner and humiliated the petitioners and when the petitioners questioned the same, the de facto complainant abused the petitioners in filthy language and the brother of the de facto complainant attacked the wife of the first petitioner and due to that she died and on complaint a case has also been registered under Section 302 IPC against the brother of the de facto complainant. Due to that a false complaint has been given.

4.The learned Government Advocate (Criminal side) submitted that the petitioners attacked the de facto complainant and his wife and also damaged household articles and investigation is pending.



5. Considering the facts and circumstances of the case and also considering the fact that this is a case of 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, Tenkasi, 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 shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (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/-
13/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE INSPECTOR OF POLICE, ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S P.MANI ANANDH Advocate SR.No.36166

ORDER IN

CRL OP(MD) No.10972 of 2016

Date :13/07/2016