



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12977 of 2016

1 VIJAYASHANTHI
2 ALBERT
3 SELVAN
4 ILAIYARAJA
5 MARIYASUMATHI

... PETITIONERS/ACCUSED No.1 to 5

Vs

STATE THROUGH BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.282 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S M.SUBASH BABU, 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 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 447, 427, 294(b) and 506(ii) IPC, in Crime No.282 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 19.07.2016, due to civil dispute, the petitioners abused the de facto complainant in filthy language, damaged the fencing put up by him, assaulted him and also threatened him with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the petitioners submitted that the



petitioners are willing to deposit a total sum of Rs.1,000/- to the credit of Crime No.282 of 2016 before the learned Judicial Magistrate, Valliyur.

5.It is submitted by the learned Government Advocate (Crl.Side) that the petitioners damaged the fencing put up by the de facto complainant.

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6.Considering the facts and circumstances of the case and also considering the contention made on the side of the petitioners, 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, Valliyur, on condition that the petitioners shall deposit a total sum of Rs.1,000/- to the credit of Crime No.282 of 2016 before the learned Judicial Magistrate, Valliyur and 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]**.

7.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/-
27/07/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, VALLIYUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S M.SUBASH BABU Advocate SR.No. 40221

ORDER

IN

CRL OP(MD) No.12977 of 2016

Date :27/07/2016

SMN

TE/ARK-PV/SAR-III : 29/07/2016 : 3P/6C