



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14102 of 2016

1 RAJESWARI
2 PANNEERSELVAM
3 TAMILSELVAN
4 VIVEK
5 SANKAR

... PETITIONERS/ACCUSED NO.1 TO 5

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 44 OF 2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.R.DURAI RAJ Advocate

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

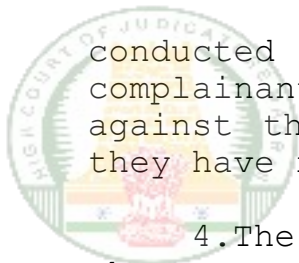
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120-B and 420 IPC, in Crime No.44 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that when the petitioner and defacto complainant are neighbours, they have a cordial relationship. At that time, the petitioners borrowed a sum of Rs.26,00,000/- from the defacto complainant. Subsequently, the petitioners did not repay the amount, when the defacto complainant demanded payment of the said amount, they have threatened her with dire consequences. On complaint, a case has been registered for the above said offences against the petitioners.

3.The case of the petitioners is that the petitioners 1&2 are the parents of the petitioners 3 to 5. There is a dispute between the defacto complainant and the second petitioner with regard to the sale of the property. In view of the same, the defacto complainant has given a false complaint earlier and the respondent police has



conducted enquiry and closed the petition. Now, again, the defacto complainant lodged a false complaint for the very same allegation against the petitioners. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that on receiving the complaint, a case has been registered and the investigation is pending. 5.Considering the nature of allegation levelled against 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 No.1, Kovilpatti, 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 10.30 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/-
11/08/2016

/ TRUE COPY /

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



PJL

TO

1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE, KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S S.JEYAKARTHIK Advocate SR.No.43839

GJM/SS3/SAR-III-19.8.16-3P-6C

ORDER

IN

CRL OP(MD) No.14102 of 2016

Date :11/08/2016