



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.14328 of 2016

1 I.PITCHAI
2 VELLAIAMMAL
3 MALLIGA

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
MANAMADURAI POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.
CR. NO.316/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.C.RAMALINGAM 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 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(i) and 379 IPC read with Section 4 of TNWH Act, in Crime No.316 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 17.06.2016, the petitioners attacked the defacto complainant and his wife with stick and snatched 3 sovereigns of gold chain from the son of the defacto complainant. On complaint, a case has been registered for the above said offences against the petitioners.

3.The case of the petitioner is that the first petitioner borrowed Rs.20,000/- from the defacto complainant for his son's marriage and executed a promissory note to that effect. After repayment of the loan amount, the defacto complainant refused to return the promissory note executed by the first petitioner and when the petitioners demanded the same, the defacto complainant attacked the petitioner and his family members with wooden log. Due to that the first petitioner was seriously injured and he took treatment as inpatient, for more than 12 days, in Government Hospital at Manamadurai. The first petitioner lodged a complaint before the respondent police and the same is pending in Crime No.315 of 2016. In the said case, the defacto complainant filed Crl.O.P. (MD).No.12789 of 2016 for anticipatory bail, and this Court, ~~on 26.07.2016~~ granted anticipatory bail to the defacto complainant and his family members. Due to that motive, the defacto complainant lodged a false complaint against the



petitioners. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They are no way connected in this case.

4.The learned Government Advocate (Crl. side) submitted that on 17.06.2016, the petitioners attacked the defacto complainant and his wife with stick and snatched 3 sovereigns of gold chain from the son of the defacto complainant. The investigation of the case is pending. This is a case and case in counter.

5.Considering the nature of allegation made against the petitioners, and also considering the fact the this is a case and case in counter, this Court is inclined to enlarge the petitioners on anticipatory bail with certain conditions. 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, Manamadurai, on condition that each of them 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 1st petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders and the other petitioners shall appear before the respondent Police as and when required for interrogation.
- (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/-
17/08/2016

/ TRUE COPY /

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



PJL
TO

1 THE JUDICIAL MAGISTRATE, MANAMADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.K.C.RAMALINGAM Advocate SR.No.45311

GJM/SKS/RR/SAR-III-22.8.16-3P-6C

ORDER

IN

CRL OP (MD) No.14328 of 2016

Date :17/08/2016