



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

Thursday, the Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.19382 of 2016

1 G. KRISHNAMOORTHY
2 K. GOPINATHAN

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT,
CR NO 357 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.RAJARAMAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 405, 406 and 188 of IPC, in Crime No.357 of 2016, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is a civil dispute between the petitioners and the defacto complainant in running a Hotel. A writ petition in W.P.(MD).No.15771 of 2016 is filed before this Court by the petitioners for removing the lock and seal of the said premises and this Court vide order, dated 19.09.2016 issued a direction to the petitioners that they shall not use the lodging house for commercial purpose. The defacto complainant lodged a complaint stating that the petitioners are violating the order of this Court and action should be taken against them.

3. The learned counsel for the petitioners submitted that the petitioners are arrayed as A1 and A2, the father and son. The defacto complainant is none other than the brother of A1 and due to animosity between them, a false case has been foisted against the petitioners. He further submitted that even assuming if the petitioners are violated the orders of this Court, the remedy



available to the defacto complainant is to file contempt proceedings before this Hon'ble Court. On the other hand the defacto complainant filed the present complaint before the respondent police without any basis.

4. The learned Government Advocate (criminal side) submitted that the case registered against the petitioners in Cr.No.357 of 2016 by the Inspector of Police, Batlagundu Police Station, Nilakottai Taluk, Dindigul District, is pending investigation.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with the following condition. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Nilakkottai, within a period of 10 days from the date on which the order copy made ready, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10 a.m. until further orders and the second petitioner, shall appear before the District Crime Branch, Dindigul, daily at 10 a.m. until further orders, since it is represented that he was already appearing before the said authority in connection with other case. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

sd/-

06/10/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, NILAKKOTTAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

4 THE INSPECOR OF POLICE, DISTRICT CRIME BRANCH,
DINDIGUL.

5 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

+2. CC to M/S.G.RAJARAMAN Advocate SR.No.59535.

ORDER

IN

CRL OP(MD) No.19382 of 2016

Date :06/10/2016