



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

Friday, the Third day of February Two Thousand Seventeen  
PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**  
CRL OP (MD) No.1079 of 2017

1.A.SELVARAJ,  
2 S.UMAMAHESHWARI,

... PETITIONERS/ ACCUSED 4 & 5

Vs

THE STATE. REP BY  
SUB-INSPECTOR OF POLICE, ODDANCHATHIRAM  
POLICE STATION, ODDANCHATHIRAM, DINDIGUL DIST.  
(CRIME NO.570 OF 2016) ... RESPONDENTS

For Petitioner : M/S.S.R.SURESHKUMAR Advocate

For Respondent :Mr.P.KANDASAMY, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

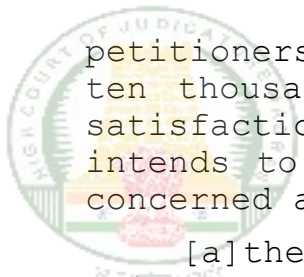
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 447 and 506(i) IPC in Crime No.570 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner along with other accused trespassed into the house of the de facto complainant and abused and threatened him with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the de facto complainant obtained loan from the 1<sup>st</sup> petitioner and in order to escape from repaying the loan amount the present complaint has been lodged.

4.The learned Government Advocate (Crl.side) submitted that totally there are 5 accused and the petitioners are arrayed as A4 and A5 in this case and co accused namely, A1 to A3 were granted anticipatory bail by this Court in Crl.O.P.No.23074 of 2016 on 17.12.2016 and investigation is pending.

5.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Oddanchathiram, on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police daily at 10.30 a.m. for a period of 3 weeks.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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).

sd/-  
03/02/2017

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,  
ODDANCHATHIRAM.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
- 3.SUB-INSPECTOR OF POLICE, ODDANCHATHIRAM  
POLICE STATION, ODDANCHATHIRAM, DINDIGUL DIST.
- 4.ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.S.R.SURESHKUMAR Advocate SR.No.6172

NBJ  
MS/CM.MSA/10.02.2017/2P.6C

ORDER  
IN  
CRL OP(MD) No.1079 of 2017  
Date :03/02/2017