



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

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13908 of 2017

WEB COPY

1 G.SIVAKUMAR  
2 S.SIVAMURUGAN

... PETITIONERS/ACCUSED Nos.1&4

Vs

STATE REPRESENTED THROUGH,  
THE INSPECTOR OF POLICE,  
BATLAGUNDU POLICE STATION,  
DINDIGUL DISTRICT  
(IN CRIME NO.474 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.PANDI MAHARAJA Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

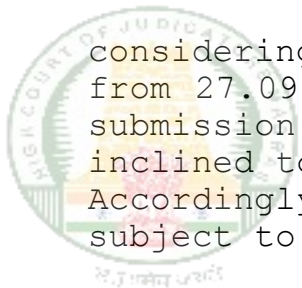
The petitioners are arrayed as accused Nos.1 and 4, who were arrested and remanded to judicial custody on 27.09.2017 & 28.09.2017 respectively, for the alleged offences punishable under Sections 147,148, 294(b), 436 and 506(ii) of I.P.C., in Crime No.474 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is the second wife of the first petitioner. On 29.07.2017 at about 2.00 a.m. when the first petitioner was sleeping in the defacto complainant's house with her children, the second petitioner, who is the brother of his first wife came there and abused the defacto complainant using filthy language and set fire to the the defacto complainant's petty shop, which is in front of her house and caused damages. On complaint, case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to some misunderstanding, the defacto complainant gave a false complaint against the petitioners. The petitioners are in judicial custody from 27.09.2017 and prays for bail.

4. The learned Government Advocate(Crl.side) submitted that due to family dispute between the first petitioner and the defacto complainant, she gave a complaint against the first petitioner as brother-in-law and they damaged the defacto complainant's petty shop.

5. Considering the facts and circumstances of the case and also



considering the fact that the petitioners are in judicial custody from 27.09.2017 & 28.09.2017 respectively, and also considering the submission of the learned Government Advocate (Crl. Side), I am inclined to release the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

(i) each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nilakkottai, Dindigul District;

(ii) the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Crime No.474 of 2017 before the learned Judicial Magistrate, Nilakottai, Dindigul District without prejudice to their defence before the trial Court within a period of two weeks from the date of receipt of copy of this order. After such deposit, the trial Court shall accept the sureties furnished by the petitioners and disburse the said amount to the defacto complainant immediately;

(iii) the petitioners shall appear before the All Women Police Station, Nilakkottai, daily between 10.00 a.m and 11.00 a.m. for a period of two weeks;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

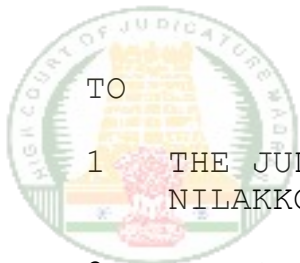
(vi) the petitioners shall not commit any offence while on bail;

(vii) 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 and the bail granted stands cancelled automatically.

sd/-  
13/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
NILAKKOTTAI, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE  
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT

4 THE OFFICER-IN-CHARGE,  
SUB JAIL, DINDIGUL

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

6 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, NILAKKOTTAI.

+1. CC to M/S.R.PANDI MAHARAJA Advocate SR.No.32790

ORDER

IN

CRL OP(MD) No.13908 of 2017

Date :13/10/2017

PK/CM-MSA/SAR-4/13.10.2017 : 3P/8C