



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

WEB COPY

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.5476 of 2017

1 MRS.VISALAKSHI
2 THIAGARAJAN

... PETITIONERS / ACCUSED NO:1&2

Vs

THE STATE REP BY ITS
THE SUB INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY,
MADURAI

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.THAMIZHARASAN Advocate

For Respondent : M/S.S.PRABHA, Government Advocate(Criminal Side),

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

ORDER : The Court Made the following order :-

The petitioners / A1 and A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 420, 465, 471 r/w 120(b), 468 IPC in Crime No.86 of 2012 on the file of the respondent Police, seek anticipatory bail.

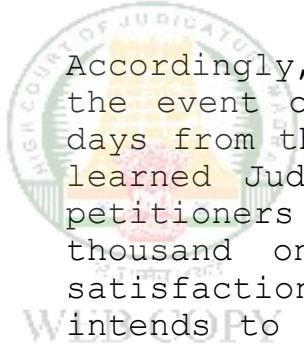
2.The case of the prosecution is that due to some land dispute in the year 2004, the de facto complainant lodged a complaint against the petitioners.

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 earlier the de facto complainant preferred a complaint for the very same occurrence before the District Crime Branch in the year 2012 and at that time, the petitioners filed a petition for anticipatory bail in CrI.O.P. (MD)No.493 of 2012 and this Court by order dated 20.01.2012 recording the submission of the learned Additional Public Prosecutor that petition enquiry is pending, closed the petition. He also submitted that the de facto complainant again preferred the present complaint for the very same offence.

4.The learned Government Advocate (CrI.side) submitted that investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also considering the nature allegations levelled against the petitioners, 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 No.II, Madurai, 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 as and when required.

[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/-
28/04/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE II
MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY, MADURAI

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

+1. CC to M/S.S.THAMIZHARASAN Advocate SR.No.21676