



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Tenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21406 of 2018

MR.VIJAYASARATHI

... PETITIONER / ACCUSED NO.3

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
CHATHIRAPATTI POLICE STATION,
CHATHIRAPATTI,
MADURAI DISTRICT.
(CRIME .NO.159/2018)

... RESPONDENT / COMPLAINANT

T.RAJU ...PETITIONER/PROPOSED RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : Mr.M.KANNAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

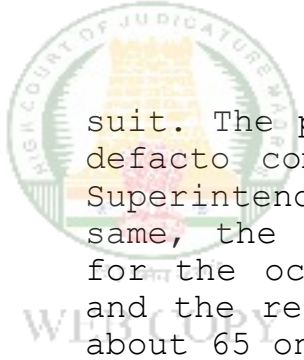
For Intevenor : Mr.R.M.MAKESH KUMARVEL,Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 447 and 506(ii) of IPC in Cr.No.159 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Rasu was working in the field of one Gothainayagi and at that time the petitioner said to have abused her in filthy language, assaulted him and threatened with dire consequences. There seems to be a civil suit pending between the defacto complainant, petitioner and his parents and there seems to be some mortgage in the year 1988 which was subsequently discharged. The only contention of the petitioner is that the petitioner was in possession of the property and all the revenue records stands in the name of the petitioner's family, suppressing all these facts the petitioner has also filed redemption



suit. The petitioner and his family members were threatened by the defacto complainant for which they have given a complaint to the Superintendent of Police on 19.11.2018. Coming to know about the same, the defacto complainant has given a complaint on 27.11.2018 for the occurrence that is said to have taken place on 18.11.2018 and the respondent has arrested the second petitioner, who is aged about 65 on the same day.

3. The learned counsel for the petitioner would submit that petitioner is innocent and he has been falsely implicated in this case.

4. The learned counsel for the intervenor would submit that the petitioner and his family members are not allowing the owners of the land to enter into the land and continue to harass the petitioner and vehemently opposed to grant of anticipatory bail.

5. Heard the learned Government Advocate(Crl.Side) appearing for the State

6. Taking into consideration the facts of the case and that co- accused in this case has been granted anticipatory bail ,this Court inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.V,Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be



registered under Section 229-A IPC.

sd/-
10/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-V,
MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
CHATHIRAPATTI POLICE STATION, CHATHIRAPATTI,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.KANNAN Advocate SR.No.22982

+1. CC to Mr.R.M.MAKESH KUMARVEL, Advocate SR.No.22953

PS/JC/SAR-1/13/12/2018/3P/7C

ORDER
IN
CRL OP(MD) No.21406 of 2018
Date :10/12/2018