



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2478 of 2018

1 ARUMUGA PERUMAL
2 MATHANRAJ

... PETITIONERS/ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.
(CRIME NO.24 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.SASI KUMAR Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 427 & 506(i) I.P.C., in Crime No.24 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased the property situated in Survey No.976/1A, 1B,3A, 3B of Kallidaikuruchi Village from the first petitioner herein. On 11.12.2017, while the defacto complainant and his relative were visiting the said properties, the petitioners abused the defacto complainant by using filthy language and threatened him. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and further added that they have been falsely implicated in this case. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the defacto complainant visited the property, which was purchased from the petitioners, at that time, the petitioners have restrained the defacto complainant to enter into the said property. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-
16/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ABASAMUDRAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
AMBASAMUDRAM TALUK, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.V.SASI KUMAR Advocate SR.No.2637

ORDER

IN

CRL OP(MD) No.2478 of 2018

Date :16/02/2018

PK/RR-CSL/SAR-3/20.02.2018 : 3P/6C