



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3184 of 2018

1 MALARVIZHI
2 KALYANI

... PETITIONERS/ ACCUSED NO.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.73 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.VINAYAGAM, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

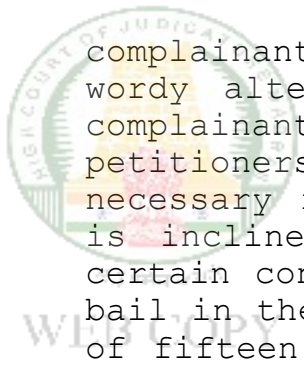
The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 448, 341, 427, 294(b), 506(ii) I.P.C., in Crime No.73 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant, the petitioners entered into the defacto complainant's land and caused damage to the fence, due to that, there was a wordy altercation arose between the petitioners and the defacto complainant. Consequently, the petitioners threatened the defacto complainant with dire consequences. Hence, the case has been registered for the above said offences.

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

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

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that on 23.02.2018, the petitioners and others accused persons entered into the defacto



complainant's land and caused damage to the fence. Subsequently, wordy altercation arose between the petitioners and the defacto complainant. So, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, 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, Karaikudi, 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, 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/-

01/03/2018

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.VINAYAGAM Advocate SR.No.3320

ORDER IN

CRL OP(MD) No.3184 of 2018

Date :01/03/2018