



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.726 of 2018

1 K.MUTHU
2 ESAKKIAMMAL

... PETITIONERS/ACCUSED No.2&3

Vs

THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
VASUDEVANALLUR,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.J.BALAMEENAKSHI Advocate

For Respondent : MR.A.ROBINSON, Government Advocate

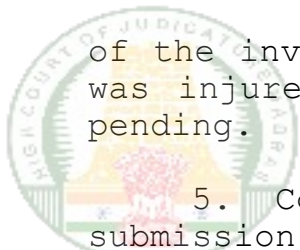
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b) and 506(ii) of IPC, in Crime No.4 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant got lease of the land which was adjacent to the land owned by the first petitioner's father. There was one common Well for irrigation between the said two properties. At that time, the first petitioner's father and the petitioners prevented the defacto complainant from using the Well for irrigation, due to which, on 23.12.2017, a dispute arose between the petitioners and the defacto complainant. Hence the case has been registered against the accused persons 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. He further submitted that the petitioners have been falsely implicated in this case and prays for anticipatory bail.



of the investigation is completed. He further submitted that nobody was injured in the said occurrence and the investigation is still pending.

5. Considering the factual aspects of the case and the submission made by the learned Government Advocate (Criminal side) and also considering the fact that except Section 506(ii) of IPC, all other offences are bailable offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the order copy is made ready, before the learned Judicial Magistrate, Sivagiri, 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 investigation officer, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) 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 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/-
17/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
VASUDEVANALLUR, TIRUNELVELI DISTRICT

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

+1. CC to M/S.J.BALAMEENAKSHI Advocate SR.No.783

ORDER
IN
CRL OP(MD) No.726 of 2018
Date :17/01/2018

PK/RR-CSL/SAR-3/19.01.2018 : 3P/6C