



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.21900 and 21901 of 2018

1 (*) **HARI CHANDRAN NADAR**

2 SELVAKUMAR

3 RAJESH

... PETITIONERS / ACCUSED (A6,A7 & A 11)
IN CRL OP(MD)NO.21900/2018

1.PERIASAMY NADAR

2.KARTHISAN NADAR

...PETITIONER/ACCUSED (A1 & A3)
IN CRL OP(MD)NO.21901/2018

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME.NO.279/2012)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioners : Mr.V.BALASUBRAMANIAN Advocate
(IN BOTH PETITIONS)

For Respondent : Mr.S.CHANDRASEKAR,Additional Public Prosecutor
(IN BOTH PETITIONS)

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147,148, 294(b), 379, 436, 447, 506(ii) of IPC and Section 3 of TNPPDL Act and Section 4 of TNPHW Act in Crime No.279 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed into the house of the defacto complainant and fired the house of the defacto complainant.



petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence he prayed for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Criminal Side) would submit that the case is of the year 2012 and till now the respondent are not able to secure them and now the petitioners have approached this Court for grant of anticipatory bail.

5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate cum Civil Court, Nanguneri, 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 concerned and on further condition that:

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

[b] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/12/2018

**(*)AMENDED AS PER THE ORDER OF
HON'BLE COURT MADE IN CRL MP(MD)10137/2018IN
CRL OP(MD)21900/2018 VIDE ORDER DATED13.12.2018
BY MNKJ)**

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
CUM CIVIL COURT, NANGUNERI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.V.BALASUBRAMANIAN Advocate SR.No.23328
- PS/VR-MMS/SAR-4/20.12.2018/3P/6C

ORDER
IN

CRL OP(MD) No.21900 and 21901of 2018
Date :13/12/2018