



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

Monday, the Twelfth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19128 of 2018

1 MUTHUKUMAR
2 ANGALESWARAN
3 PANDIAMMAL

... PETITIONERS/ACCUSED Nos.1 to 3

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT,
IN CR NO. 86 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.GOKUL, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506 (ii) I.P.C. in Crime No.86 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners 1 and 2 are brothers of the *de-facto* complainant and the third petitioner is the mother of the *de-facto* complainant. It is seen that there is a dispute between the petitioners and the *de-facto* complainant with regard to sharing of the properties. The petitioners are said to have assaulted the *de-facto* complainant with aruval. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence.

4. The learned Government Advocate (Crl. side) would submit that the *de-facto* complainant has been discharged from the hospital on 09.11.2018.



5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first and second petitioners alone shall report before the respondent Police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

[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]**.

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

sd/-
12/11/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAMESWARAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT



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

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+1. CC to MR.K.GOKUL, Advocate SR.No.21427

ORDER

IN

CRL OP (MD) No.19128 of 2018

Date :12/11/2018

TSG

PK/JC/SAR-4/19.11.2018 : 3P/6C