



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22052 of 2018

1 SARASWATHI @ SINDHU

2 CHANDRASEKAR

3 MAHALAKSHMI

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

IN CRIME NO.2353 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.N.MARIAPPAN, Advocate

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

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

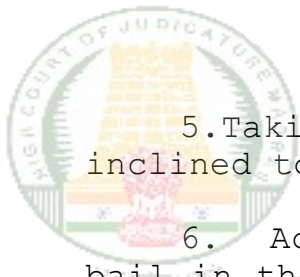
ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 380 (NP), 427, 447 of IPC, in Cr.No.2353 of 2018 seek anticipatory bail.

2.The case of the prosecution is that on 23.08.2018, the petitioners tress passed into the defacto complainant's property and taken the motors and also cut down the karuvella trees worth about Rs.15,000/- and threatened the defacto complainant with dire consequences.

3.It appears that there was a civil dispute arose between the petitioners and the defacto complainant with regard to the inheritance of the property and civil suit also pending. However, this case has been registered on the direction of the Judicial Magistrate.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners and the defacto complainant are close relatives.



5. Taking into consideration the facts of the case, this Court 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 No.2, Madurai, 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 petitioners shall report before the respondent police 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/-

18/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.MARIAPPAN Advocate SR.No.23667

ORDER IN

CRL OP(MD) No.22052 of 2018
Date :18/12/2018