



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

Thursday, the Twentieth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22210 of 2018

1.SUNDARAMBAL

2 M. JEGANATHAN

... PETITIONERS / ACCUSED NOS.1 & 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
MUSIRI, TRICHY DISTRICT.

(IN CRIME NO. 323 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.MUTHUKRISHNAN 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/Accused 1 & 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324, 379, 506(ii) I.P.C in Crime No.323 of 2018, seek anticipatory bail.

2. The case of the prosecution is that there seems to be a dispute between the defacto complainant and his father. The father of the defacto complainant purchased a tractor by mortgaging the same with the HDFC Bank. Since the father was unable to pay the loan amount due to the Bank, he sold the same to the first petitioner herein. Aggrieved against the same, the defacto complainant had given a false complaint against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence. Hence, he prayed for anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that it is a family dispute between the defacto complainant and his father.

5. Considering the above submissions, 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, Musiri on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned 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 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/-
20/12/2018

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1. THE JUDICIAL MAGISTRATE,
MUSIRI.



2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
MUSIRI, TRICHY DISTRICT.

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

+1. CC to MR.S.MUTHUKRISHNAN Advocate SR.No.23798

ORDER

IN

CRL OP (MD) No.22210 of 2018

Date :20/12/2018

AE/VR/SAR1/27.12.2018/3P/6C