



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22380 of 2018

1 PITCHAIPANDI
2 MUTHUPANDI
3 PANDEESWARI
4 MUNIYAMMAL

... PETITIONERS / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
USILAMPATTY TALUK POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO.223 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.AROKIYA SELVA RAMESH, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323, 324, 355, 506 (ii) I.P.C. and Section 4 of the TNPHW Act, in Crime No.223 of 2018, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioners assaulted the defacto complainant and the mother of the defacto complainant. Hence a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant have residing in the same village. They have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) for the respondent submitted that the petitioner already granted bail by this Court order dated 16.10.2018 in CrI.O.P.(MD)No.18681 of 2018. But, they are not complying with the condition, this petition has been filed. This is the second anticipatory bail application. Hence, he prays that the petition may be dismissed.

5.The learned counsel for the petitioners submitted that due to repeated and continuous illness among the family members they were not able to arrange sureties and also to surrender before the concerned Court. Therefore, he may be granted anticipatory bail.

5.Considering the facts and circumstances of the case, 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 No.1, Usilampatti, 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] the petitioners shall report before the respondent police for a period of two weeks thereafter, as and when required for interrogation.

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

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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sd/-
19/12/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
USILAMPATTY TALUK POLICE STATION
MADURAI DISTRICT.

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

+1. CC to M/S.S.AROKIYA SELVA RAMESH Advocate SR.No.23720

ORDER
IN
CRL OP(MD) No.22380 of 2018
Date :19/12/2018

AMS/VR/S-1/27.12.2018/3P/6C