



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

Wednesday, the Fourteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20357 of 2018

1 MURUGAN

2 ILAKIYA

... PETITIONERS/ACCUSED No. 1 and 2

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
SAATHANKULAM POLICE STATION,
THOOTHUKUDI.
(CR.NO.224/2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.P.R.PRITHVIRAJ Advocate

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

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

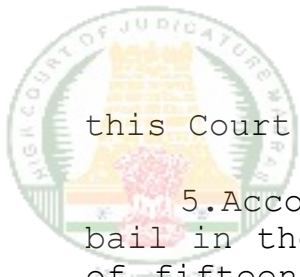
ORDER : The Court Made the following order :-

The petitioners in both petitions apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i) of IPC and Section 4 of TNPHW Act, in Cr.No.224 of 2018 seek anticipatory bail.

2.The case of the prosecution is that due to the family dispute there was a wordy quarrel arose between the petitioners and defacto complainant.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offences. The defacto complainant and the petitioners are neighbours. When the defacto complainant harassed the daughter of the petitioners, they questioned the defacto complainant and warned her for activity. Hence, the defacto complainant foisted the false case against the petitioners and threatened them. This is a case in counter case.

4.Taking into consideration the facts of the case and the facts that the petitioners and the defacto complainant are the neighbours,



this Court inclined to grant anticipatory bail to the petitioners.

5. 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, Sathankulam, 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/-
14/11/2018

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

TO

1 THE JUDICIAL MAGISTRATE
SATHANKULAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT



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

+1. CC to MR.P.R.PRITHVIRAJ Advocate SR.No.21537

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ORDER

IN

CRL OP(MD) No.20357 of 2018

Date :14/11/2018

MSI/RR/SAR-II/20.11.2018-3P/6C