



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

Monday, the Tenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20683 of 2018

1 K.SELVAKUMAR
2 NAVANEETHAN
3 KATHIRVEL
4 V.JOTHI

... PETITIONERS / ACCUSED 1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VADAMATHURAI POLICE STATION,
DINDIGUL DISTRICT.
IN CRIME NO.558 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioners: Mr.V.KARUNA, 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324, 506(ii) of IPC, in Crime No.558 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute the petitioners attacked the defacto complainant and his mother and the first petitioner picked his child and went away from the place.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that victim child was handed over to the defacto complainant.

5.Taking note of the facts and circumstances of the case and the fact that the child is handed over to the defacto complainant,



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, Vedsanthur, Dindigul District, 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 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]**. and

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

sd/-

10/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE, VEDASANDUR,
DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
VADAMATHURAI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.V.KARUNA Advocate SR.No.22959

ORDER IN

CRL OP(MD) No.20683 of 2018

Date :10/12/2018