



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20679 of 2018

1 PALSAMY NADAR
2 MARISELVAM
3 MAHARAJAN

... PETITIONERS / ACCUSED 1 to 3

Vs

STATE BY
THE INSPECTOR OF POLICE
THARUVAI KULAM POLICE STATION,
TUTICORIN DISTRICT
(CRIME NO.103 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.N.SANKAR GANESH Advocate

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

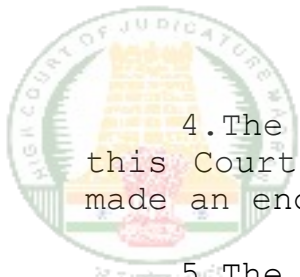
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 307 and 506(ii) of IPC and Section 3 of TNPPDL Act, 1992, in Crime No.103 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and the informant with regard to encroachment of land. On 15.11.2018, when the informant and his wife was standing near his land, on such time, the petitioners were going to sell away their land along with the petitioner's portion of land, due to which, the first petitioner is said to have kicked him and the second petitioner alleged to have attacked on his both arm with an iron rod, thereby, he sustained injury.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.



4.The learned counsel for the petitioner seeks permission of this Court to withdraw this petition in respect of A3. He has also made an endorsement to that effect.

5.The learned Government Advocate (Crl.side) for the respondent police submitted that the injured has been discharged from the hospital.

6.In view of the above, this criminal original petition is dismissed as withdrawn in respect of A3.

7.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the first and second petitioners.

8. Accordingly, the first and second 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, Principal District Munsiff cum Judicial Magistrate, Vilathikulam, Tuticorin District, on condition that the first and second petitioner 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 first and second petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the first and second petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the first and second petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the first and second 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 first and second 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]**.

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

sd/-
27/11/2018

/ TRUE COPY /



TO

1 THE PRINCIPAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VILATHIKULAM,
THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
THARUVAIKULAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to MR.N.SANKAR GANESH Advocate SR.No.22190

ORDER

IN

CRL OP(MD) No.20679 of 2018

Date :27/11/2018

MSI/VR-MMS/SAR-I/29.11.2018-3P/6C