



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20781 of 2018

A.MALAISAMY

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
ANDIPATTI,
THENI DISTRICT
(IN CRIME NO.653 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.PALANI VELAYUTHAM Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

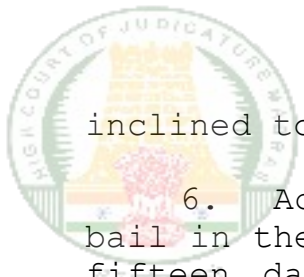
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC in Cr.No.653 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of the petitioner herein, they have ancestral properties in their locality. There was a dispute between them with regard to the sharing of the path way. Due to which, the petitioner lodged a complaint before the respondent police as against the petitioner herein.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and prayed for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is the brother of the defacto complainant. There was a civil dispute between them.

5. Taking into consideration the facts of the case and the submissions by learned counsel on either side, this Court is



inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni District on condition that the petitioner 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 said Magistrate, on further condition that:

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

[b] the petitioner shall appear before the respondent police as and when required for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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.

sd/-
23/11/2018

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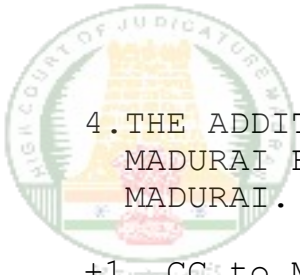
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

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

3.THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
ANDIPATTI, THENI DISTRICT.



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

+1. CC to MR.S.PALANI VELAYUTHAM Advocate SR.No.22033

WEB COPY

ORDER

IN

CRL OP (MD) No.20781 of 2018

Date :23/11/2018

AE/JC/SAR4/27.11.2018/3P/6C