



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21074 of 2018

1 S.JEYALAKSHMI
2 N.CHITRA
3 N.NAVEEN KUMAR

... PETITIONERS / A1 TO A3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.
IN CRIME NO. 128 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.R.KANNAPPAN Advocate

For Respondent : MR.M.ASOKAN, Government Advocate

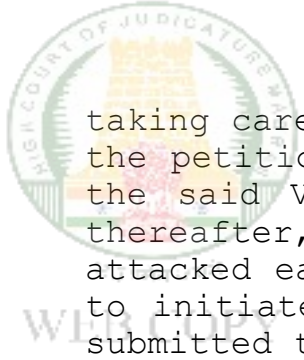
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 355, 324 and 506(i) IPC, in Crime No.128 of 2018, seek anticipatory bail.

2.The case of the prosecution is that A1 and A2 are the sisters. A3 is the son of A2. The defacto complainant is the distance relative of the petitioners and Vasantha Kumar is the brother of the first and second petitioners. On 19.11.2018, the defacto complainant went to attend the house warming ceremony at the house of the said Vasanth Kumar, at that time, the petitioners are said to have threatened and assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first and second petitioner and Vasantha kumar who are the daughters and son of the Meenakshi. Meenakshi who is the mother of first and second petitioners and had settled the property to her son namely, Vasantha Kumar. Thereafter, he had not been properly



taking care of his mother namely, Meenakshi, which was questioned by the petitioners. On 19.11.2018, they are entered into the house of the said Vasantha Kumar and asked to retrieve her belongings and thereafter, a wordy quarrel arose, due to which, both of them attacked each other. The defacto complaint has been used as a tool to initiate a false complaint against the petitioners. He further submitted that the petitioners had preferred a complaint against the defacto complainant which has been registered in Crime No.129 of 2018 for the offence under Sections 147, 148, 341, 294(b), 323, 379 and 506(i) IPC, since it is a counter case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent police submitted that injured has been discharge from the hospital on 23.11.2018.

5.Taking into consideration the facts 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 District Munsif cum Judicial Magistrate, Thirumayam, 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/-
28/11/2018

/ TRUE COPY /



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUMAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
PONNAMARAVATHI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S.A.R.KANNAPPAN Advocate SR.No. 22235

ORDER

IN

CRL OP(MD) No.21074 of 2018

Date :28/11/2018

JM/VR MMS/SAR 1/10.12.2018/3P/6C