



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.20968 of 2018

AATHIRAJA

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
COURTALLAM POLICE STATION,  
COURTALLAM, TIRUNELVELI DISTRICT.  
CRIME NO.641 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.PRAGALATHAN, 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 :-

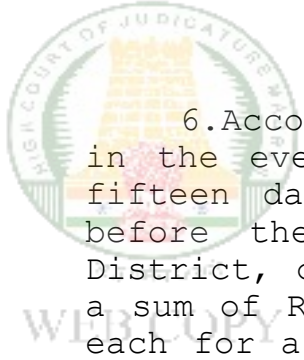
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b) and 506(ii) of IPC in Cr.No.641 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the father of the petitioner. On 12.11.2018, due to the family dispute there was a wordy quarrel arose between them and the petitioner abused the defacto complainant with filthy language and threatened to the life of him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) submitted that it is a family dispute arose between father and son.

5.Taking into consideration the facts of the case and the fact that it is only a family dispute between the father and son, 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, Shenkottai, Tirunelveli 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 report 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/-

27/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SENKOTTAI,  
TIRUENLVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUENLVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
COURTALLAM POLICE STATION,  
COURTALLAM, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.PRAGALATHAN Advocate SR.No.22159

ORDER IN

CRL OP(MD) No.20968 of 2018

Date :27/11/2018