



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.21085 of 2018

1 SELVAGANESH @ GANESAN
2 SENTHILVEL
3 GUNASEKARAN

... PETITIONERS / ACCUSED No.1 to 3

Vs

STATE THROUGH THE S.I. OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM,
IN CR NO. 197 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.OM PRAKASH Advocate

For Respondent : MR.M.ASOKAN, 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), 323, 447 and 506(i) of IPC, in Crime No.197 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the own sister of the second and third petitioners. A1 is the relative of the defacto complainant and other petitioners. There seems to be some civil dispute before the concerned Magistrate in O.S.No.88 of 2016 which is pending between A3 and the defacto complainant. Since the defacto complainant attempted to disturb the peaceful possession of A3, the third petitioner had given a complaint before the respondent police on 12.10.2018 and subsequently, he had preferred a complaint before the Superintendent of Police on 22.11.2018 for their inaction. Suppressing the facts, the defacto complainant had lodged a complaint before the respondent police on 24.11.2018 and on the very same day, A4 who is the son of A3 and was arrested by the respondent police. Hence, the complaint.

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



implicated in this case. He further submitted that the respondent police foisted a false case without verifying the genuineness of the complaint of the defacto complainant.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that no one is injured in this case.

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 Judicial Magistrate, Mudukulathoor, Ramanthapuram, 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 /

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

TO

1 THE JUDICIAL MAGISTRATE
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE

RAMANATHAPURAM



3

3 THE SUB INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
RAMANATHAPURAM,

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

WEB COPY

+1. CC to MR.V.OM PRAKASH Advocate SR.No.22248

ORDER

IN

CRL OP (MD) No.21085 of 2018

Date :28/11/2018

MSI/JC/SAR-II/03.12.2018-3P/6C