



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

Monday, the Nineteenth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20610 of 2018

1.MUTHAIAH
2.SELAMPAYEE
3.PALANISAMY

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SAKKOTTAI,
KARAIKUDI TALUK,
SIVAGANGAI DISTRICT,
CRIME NO.243 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mrs.S.BHARATHI, Advocate.

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

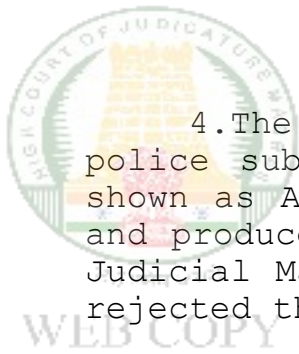
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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) and 353 of IPC which was later altered as Sections 294(b), 353, 193, 198, 199 and 431 IPC, in Crime No.243 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Thasildar. On 18.10.2018, the defacto complainant came along with other officials to measure the petitioner's property, at that time, the petitioners restrained and using filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the owner of the property with patta dated 22.06.1990. On 18.10.2018, the defacto complainant/Thasildar came to the place and attempted to remove the fence stating that it is a public way to a burial ground. He further submitted that there is a civil case pending in O.S.No.130 of 2018 before the Principal District Munsif Court, Kulithurai seeking declaration for the property, in which, the defacto complainant is the third defendant in the suit.



4. The learned Government Advocate (Crl.side) for the respondent police submitted that one of the accused namely Thangaraj who is shown as A4 in this case and was arrested by the respondent police and produced before the Judicial Magistrate No.II, Kulithurai. The Judicial Magistrate No.II, Kulithurai, perused all the document and rejected the remand of A4.

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, Karaikudi, Sivagangai District, 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 first and third petitioner 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 and the second petitioner 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/-
19/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SAKKOTTAI,
KARAIKUDI TALUK,
SIVAGANGAI DISTRICT.

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

+1. CC to Mrs.S.BHARATHI Advocate SR.No.21776.

ORDER
IN
CRL OP(MD) No.20610 of 2018
Date :19/11/2018

RAM/JC/SAR 1/26.11.2018/3P/6C