

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12853 of 2019

1 MARIMUTHU
2 KARUNANIDHI
3 SIVALINGAM

[PETITIONERS / ACCUSED]

Vs

STATE BY:

[RESPONDENT]

THE INSPECTOR OF POLICE
CHINNASALEM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.286 OF 2019

For Petitioner : M/S.C.DEIVASIGAMANI Advocate

For Respondent : M/S.S.THANKIRA, 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 alleged offences under Sections 294(b), 323, 354, and 506(i) I.P.C. in Crime No.286 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that there was some family dispute between the petitioners and the defacto complainant. The defacto complainant is none other than the father of the petitioners. The petitioners abused the defacto complainant and attacked him and made life threat. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the allegations are totally false and they have been falsely implicated in the said case. Hence, he prays for grant of Anticipatory Bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that due to family dispute, they had wordy quarrel between them and threatened the defacto complainant with dire consequences. Therefore, she opposed to grant Anticipatory Bail to the petitioners.

5.Considering the facts and circumstances of the case that it is only a family dispute, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Kallakurichi, 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 respondent police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent/Police thereafter 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 229A IPC.

-sd/-

15/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.II,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

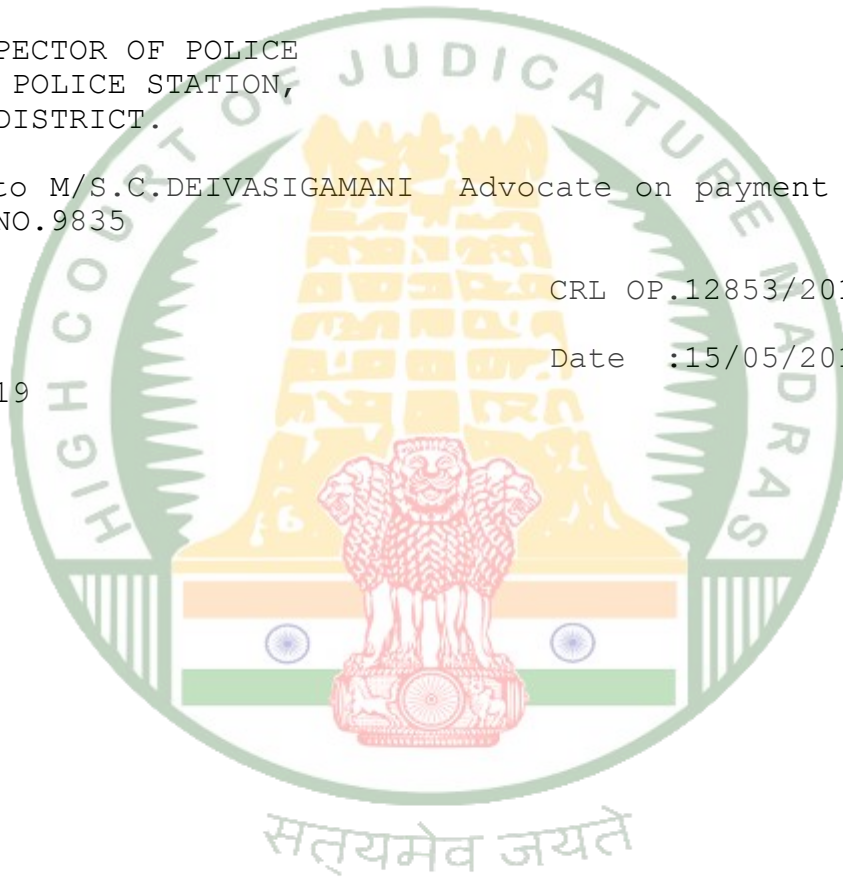
4 THE INSPECTOR OF POLICE
CHINNASALEM POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S.C.DEIVASIGAMANI Advocate on payment of necessary
charges SR NO.9835

CRL OP.12853/2019

Date :15/05/2019

MK:20/05/2019



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