



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1361 of 2019

1 RAKESH
2 PALRAJ
3 KARTHEES

... PETITIONERS / ACCUSED
No.1 to 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUCHENDUR TALUK POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.407/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.MUNIYANDI 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 alleged offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Cr.No.407 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the de facto complainant are close blood relatives and due to some civil dispute regarding the ancestral property, the de facto complainant lodged this complaint against the petitioners.

3. The learned counsel for the petitioners would submit that it is a case in counter and on the complaint given by the petitioners, the case was also registered against the de-facto complainant .

4. The learned Government Advocate(Crl.Side) would submit that due to civil dispute between the parties, case and counter case have been lodged by the respective parties.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court 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, before the learned Judicial Magistrate, Tiruchendur 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 conditions 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/-
30/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

<https://hcservices.reports.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE INSPECTOR OF POLICE,
TIRUCHENDUR TALUK POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.S.MUNIYANDI Advocate SR.No.1749

ORDER
IN
CRL OP (MD) No.1361 of 2019
Date : 30/01/2019

TK/VR/SAR-1/06.02.2019/3P/6C