



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1253 of 2019

1 KARUPPANAN
2 KARIKALAN
3 DURAIPANDI
4 CHITRA

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT
Crime No.41/2019

... RESPONDENT / COMPLAINANT

K.C.PONRAJENDRAN

... PETITIONER/INTERVENER

For Petitioners : Mr.S.M.P.AMALAN Advocate

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

For Intervener :Mr.S.M.A.JINNAH Advocate

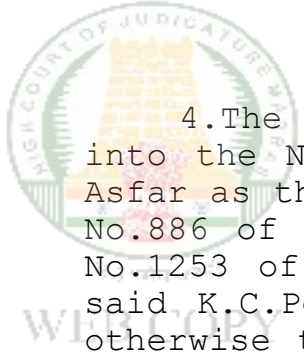
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506 (i) I.P.C, in Crime No.41 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the 3rd petitioner and one Sathyavasagan have operated Cable TV in an around Melur from 1999. Subsequently, there was a dispute between the 4th petitioner and the said Sathyavasagan. Since one Ponrajendran, supported the said Sathyavasagan living opposite to the petitioners' house and fraudulently taken over the Cable TV Network from the 3rd petitioner. In this regard there was a case pending against the 3rd petitioner and Sathyavasagan.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.



4. The petitioners and the defacto complainant will not be entered into the Navaneethapatti Village, Melur for a period of two weeks. As far as the first petitioner namely K.C.Ponrajendran in CrI.O.P(MD) No.886 of 2019 and the 4th petitioner namely Chitra in CrI.O.P(MD) No.1253 of 2019 both are exempted from this condition. Since, the said K.C.Ponrajendran is an advocate and his office is there and otherwise the 4th petitioner Chitra being a female she can continue to stay at the above said village.

5. Considering the facts and circumstances of the case and also considering the fact that case in counter 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, Melur, 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] the petitioners shall report before the respondent police as and when required for interrogation.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 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/-
01/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
MELUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to Mr S.M.P. AMALAN Advocate SR.No.2086

ORDER

IN

CRL OP (MD) No.1253 of 2019

Date : 01/02/2019

TK/VR/SAR-1/19.02.2019/3P/6C