



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

Monday, the Fourth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1566 of 2019

1 BALAJI @ THAMARAIKANNAN
2 PANDIYARAJAN
3 SINRAJ
4 JEYAKANNAN
5 VIMALKANNA
6 NACHARAMMAL
7 PRIYA @ SUGAPRIYA

... PETITIONERS/ACCUSED 1 to 7

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO.28 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.K.A.NANDHA GOPALAN, Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor (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 147, 148, 447, 294(b), 323, 324 and 506(ii) of I.P.C r/w. Section 4 of Women Harassment Act in Crime No.28 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner and de facto complainant are close relatives. There was a previous dispute in between the petitioner and the de facto complainant with regard to sharing of the property. On the particular day, the petitioner attacked the de facto complainant for which, he sustained injury and admitted in the Hospital. Thereby, the Law Enforcing Agency registered a case as against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. There was a dispute with regard to sharing of the



property between the family members. Thereby, a false case has been registered against the petitioners.

4.The learned Additional Public Prosecutor would submit that the injured has already been discharged from the hospital on 02.02.2019.

5.Considering the nature of the allegation and considering the fact that the injured has already been discharged from the hospital, 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, Nilakottai 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 and on further condition 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 daily at 10.30 p.m. for a period of four weeks and 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/02/2019

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



TO

1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT

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

+1. CC to MR.K.A.NANDHA GOPALAN, Advocate SR.No.2248

ORDER

IN

CRL OP(MD) No.1566 of 2019

Date :04/02/2019

CP

PK/JC/SAR-1/08.02.2019 : 3P/6C