



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

Tuesday, the Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.192 of 2019

1 P. KARUPPIAH
2 ANNALAKSHMI
3 GOVINDAN
4 AJITH
5 VIJAYALAKSHMI
6 BHARATH

... PETITIONERS / ACCUSED 1 TO 6

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL.
IN CRIME NO. 1090/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.SIDDHARTHAN Advocate

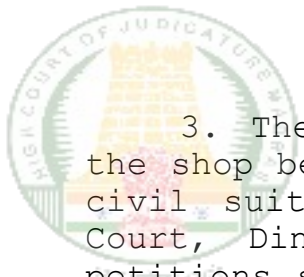
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 427 and 379 of IPC in Cr.No.1090 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant took place in the year 1980 and thereafter after some time they got separated and he got divorce 20 years back from the defacto complainant. The petitioner herein are the in-laws. Admittedly the property was purchased in the year 1991 and he had put up some shops, one of the shop was occupied by the defacto complainant. The petitioners herein trespassed into the shop of the defacto complainant and committed a theft of computer printer.



3. The learned counsel for the petitioners would submit that the shop belong to the first petitioner and in respect of the same, civil suit in O.S.No.86 of 2017 is pending before the District Court, Dindigul , wherein the first petitioner also filed two petitions seeking relief against the defacto complainant . He would also submit that the defacto complainant that the vacated shops were handed over possession to the first petitioner and memo to that effect has been filed in the civil court. The defacto complainant is none other than the divorced wife of the first petitioner.

4. The learned Government Advocate(Crl.Side) would submit that investigation is pending in this case.

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 No.II, Dindigul 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 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/-

08/01/2019

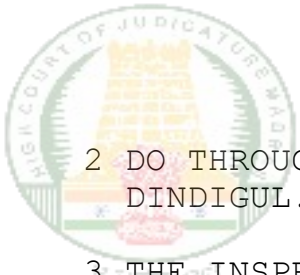
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL.

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

+1. CC to M/S.P.KALAIYARASI BHARATHI, Advocate SR.No. 40830

ORDER

IN

CRL OP (MD) No.192 of 2019

Date :08/01/2019

JM/VR/SAR 3/22.01.2019/3P/6C