



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2071 of 2019

1.V.BOSE,
2 P.RADHA,
3 M.PORKODI,
4 M.MUTHULAKSHMI,

... PETITIONERS 1 TO 4 / ACCUSED
NOS.2 TO 5

Vs

THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI TALUK,
SIVAGANGAI DISTRICT.
(CRIME NO.17/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.KARTHIKA for
M/S.RIGHT LAW ASSOCIATES 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 under Section 147, 341, 294(b), 323, 379 (NH) & 506(i) of IPC and Section 4 of TNPWH Act, in Cr.No.17 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a civil suit is pending before the District Munsif, Devakottai. The accused have been impleaded as defendants in the said suit. While being so, on the date of occurrence, the accused entered into the suit property and harvested the paddy crops grown up in the suit property and caused damages to the tune of Rs.2,500/-. When the same was questioned the accused persons attacked the defacto complainant with hands on chest and threatened to her life. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is still pending.

5.Considering the facts and circumstances of this case, 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, Devakottai, 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 learned 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 a.m., until further orders;

(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/-
13/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI TALUK, SIVAGANGAI DISTRICT.

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

+1. CC to M/S. RIGHT LAW ASSOCIATES Advocate SR.No.2981

ORDER
IN
CRL OP (MD) No.2071 of 2019
Date :13/02/2019

AE/JC/SAR-II/18.02.2019/3P/6C