



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

Monday, the Eleventh day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2146 of 2019

1 J.ESTHER
2 E.P.MARTIN
3 M.PREMA

... PETITIONERS / ACCUSED NO.2,3 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.710/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK, 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 apprehend arrest at the hands of the respondent police for the alleged offences under Section 294(b), 323, 506(ii) of IPC and Section 4 of TNPHW Act, in Cr.No.710 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioners are family members. Due to the family dispute there was a wordy quarrel and altercation arose between them and in which the petitioners abused and assaulted the defacto complainant, his wife and deserted daughter with dire consequences. Hence, the defacto complainant lodged a complaint before the concerned Judicial Magistrate and the same was forwarded to the respondent police under Section 156(3) of Cr.P.C. and the present crime number is registered.

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 it is a family dispute.



5. Considering the facts and circumstances of this case and since it is a family dispute, 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 No.I, Thoothukudi, 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders; the petitioners 1 and 3 shall appear 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]**; and;

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

sd/-

11/02/2019

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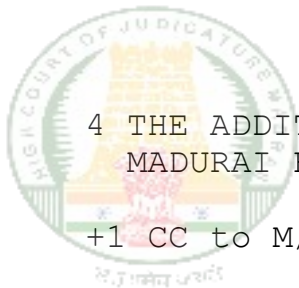
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.



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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-2908 dated 12/02/2019)

WEB COPY

ORDER

IN

CRL OP(MD) No.2146 of 2019

Date :11/02/2019

JM/JC/SAR 1/13.02.2019/3P/6C