



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

Monday, the Eighteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2502 of 2019

1.GANESAN
2 RATHINARAJ
3 KALIRAJ
4 VIGNESH

... PETITIONERS / ACCUSED No.1 to 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MEIGANAPURAM POLICE STATION,
MEIGNAPURAM, TUTICORIN DISTRICT.
(CRIME NO.19/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.VADIVELAN 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 are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 452, 294 (b), 323, 324, 506(ii), 379(NP) IPC and Section 3 of TNPPDL Act in Cr. No.19 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners illegally entered into the house of the defacto complainant and stolen house hold articles and also abused the defacto complainant in filthy language. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the first petitioner purchased the property from the father of the defacto complainant in the year 2012 for valuable consideration and that the first petitioner is doing renovation work in his house and that for the purpose of grabbing amount from the petitioners, the defacto complainant preferred a false complaint. Hence, he would pray for anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that investigation is pending.

5. Considering the facts and circumstances of the case and considering the fact that the first petitioner purchased the property from the father of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. 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, Sathankulam, Tuticorine District, 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 as and when required;

(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/-
18/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM,
TUTICORIN DISTRICT.

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

3. THE INSPECTOR OF POLICE,
MEIGANAPURAM POLICE STATION,
MEIGNAPURAM, TUTICORIN DISTRICT.

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

+1. CC to MR.T.VADIVELAN Advocate SR.No.3340

ORDER
IN
CRL OP (MD) No.2502 of 2019
Date :18/02/2019

AE/JC/SAR-II/22.02.2019/3P/6C