



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2980 of 2019

1.MADURAIMREENAL
2 SAMINATHAN
3 GUNASEKARAN

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
(IN CRIME NO.13/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.NEETHIMOHAN Advocate

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

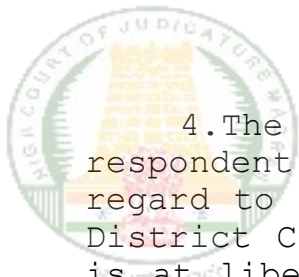
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b) and 353 of IPC in Cr.No.13 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The defacto complainant herein is working as a Village Administrative Officer of Jayankondanilai. The case of the prosecution is that the petitioners herein had approached the Village Administrative Officer for their identity proof at that time there was a wordy quarrel between the defacto complainant's husband and the petitioners herein. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would further submit that the defacto complainant's husband demanded bribe from the petitioners and when the same was questioned, the defacto complainant had filed a false complaint against the petitioners and hence he prays for anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if there is any allegation with regard to the bribe demanded, this Court may issue direction to the District Collector and verify and pass orders and the petitioner is at liberty to make a representation to the District Collector. However the petitioner have no right to quarrel with defacto complainant, he vehemently opposed for granting anticipatory bail.

5.Considering the facts and circumstances and considering the charges levelled against the petitioners, 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, Thirupathur 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 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/-

27/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUPATHUR.

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

3. THE INSPECTOR OF POLICE,
S.S. KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1cc to MR. K. NEETHIMOHAN, Advocate in SR.No. 4124

ORDER

IN

CRL OP (MD) No. 2980 of 2019

Date : 27/02/2019

AAV

AE/JC/SAR-IV/04.03.2019/3P/6C