



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3060 of 2019

1.SANKARAYA
2.VISWANATHAN

... PETITIONERS / ACCUSED
Nos.1 and 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
Crime No.41/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.SOLAISAMY Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

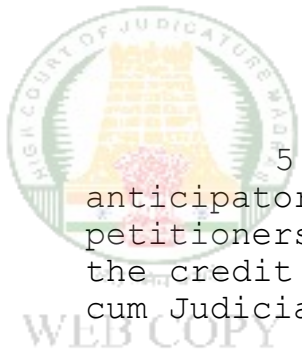
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b) 452, 323, 427 and 506(ii) of IPC in Cr.No.41 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant is none other than the brother-in-law of the petitioner's brother. Due to some civil dispute the petitioner and his son caused damage to the defacto complainant's farm worth Rs.1,00,000/-. Hence the complaint

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent person. However, on instruction, he would further submit that the petitioners are ready to deposit any amount to the credit of crime number.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioners damaged the farm of the defacto complainant worth about Rs.1,00,000/-. He would further submit that investigation is pending.



5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioners are directed to deposit jointly, a sum of Rs.25,000/- to the credit of Crime No.41 of 2019 before the learned District Munsif cum Judicial Magistrate, Peraiyur.

7. 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 District Munsif cum Judicial Magistrate, Peraiyur, 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 are directed to deposit jointly, a sum of Rs.25,000/- to the credit of Crime No.41 of 2019 before the learned District Munsif cum Judicial Magistrate, Peraiyur.

(b) 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;

(c) the petitioners shall report before the respondent police as and when required;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

27/02/2019

/ TRUE COPY /

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



TO

1. THE DISTRICT MUNIF CUM
JUDICIAL MAGISTRATE, PERAIYUR.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to Mr.M.SOLAISAMY Advocate SR.No.3976

ORDER

IN

CRL OP (MD) No.3060 of 2019

Date : 27/02/2019

TK/PN/SAR-2/04.03.2019/3P/6C