



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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3921 of 2019

1 BALAMURUGAN
2 PALANIAMMAL

... PETITIONERS / ACCUSED Nos. 1 & 2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT
IN CRIME NO.35/2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR. T. VEERAKUMAR Advocate

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

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

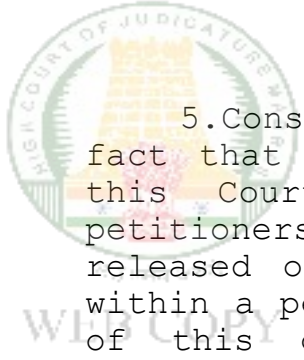
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323,324,506(ii) of IPC, in Cr.No.35 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first petitioner is the son of the defacto complainant. After marriage he was allotted some portion of land adjacent to the defacto complainant's house and thereafter inorder to grab the defacto complainant's shelter , the first petitioner attacked his father and mother and three teeth of the father has been broken. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that it is purely a family dispute and a false case has been foisted against the petitioners. However without prejudice to his rights and contentions the petitioner is willing to pay Rs.5000/- for the welfare of his parents.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured has already been discharged from the hospital.



5. Considering the facts and circumstances and considering the fact that injured has already been discharged from the hospital, 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 No.I, Ramanathapuram 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 Rs.5000/- to the credit in Crime No. 35 of 2019 before the learned Judicial Magistrate No.I, Ramanathapuram and on such deposit the learned Magistrate shall disburse the same to the defacto complainant.

(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 first petitioner shall report before the respondent police daily at 10.30a.m until further orders and the second petitioner shall report before the respondent police as and when required for interrogation;

(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/-
15/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO I
RAMANATHAPURAM

2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1. CC to MR. T. VEERAKUMAR Advocate SR.No.5001

ORDER

IN

CRL OP(MD) No.3921 of 2019

Date :15/03/2019

MSI/PN/SAR 2/20.03.2019/3P-6C