



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4066 of 2019

1 THAVASIMUTHU
2 ESAKKIAMMAL
3 ARUMUGAPERUMAL
4 MARIAMMAL
5 SARAVANAPERUMAL
6 PUSHPALATHA

... PETITIONERS / ACCUSED
No.1 to 6

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
MOOLAKARAIPATTI POLICE STATION,
MOOLAKARAIPATTI, TIRUNELVELI DISTRICT,
Crime No.46/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr. N. PRAGALATHAN 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 147,294(b), 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No. 46 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that there is civil dispute pending in between the parties, due to which there was a wordy quarrel arose between the petitioner and the defacto complainant , further the petitioner damaged the fence put up by the defacto complainant, hence a case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioner did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that the petitioners are ready to deposit any amount to the welfare of the students in any school.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that there are serious allegations in between the petitioner and the defacto complainant.

5. Considering the facts and circumstances of the case and also considering the fact it is a civil dispute and also considering the fact that the petitioners are willing to deposit some amount, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioner shall purchase table and chair worth Rs.15,000/- and give them to Panchayat Union Primary School, Keelapattam, Palayamkottai Taluk, Tirunelveli District and thereafter sureties shall be accepted.

6. 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, Nanguneri, Tirunelveli District on condition that the petitioner 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 purchase table and chair worth Rs.15,000/- and give them to Panchayat Union Primary School, Keelapattam, Palayamkottai Taluk, Tirunelveli District and the proof shall be sent to the AEO and thereafter sureties shall be accepted.

(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 1, 3 and 5 shall report before the respondent police daily at 10.30 a.m until furthers and the petitioners 2, 4 and 6 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/-
18/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUB INSPECTOR OF POLICE
MOOLAKARAIPATTI POLICE STATION,
MOOLAKARAIPATTI, TIRUNELVELI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

PANCHAYAT UNION PRIMARY SCHOOL,
KEELAPATTAM, PALAYAMKOTTAI TALUK,
TIRUNELVELI DISTRICT.

+1. CC to Mr. N.PRAGALATHAN Advocate SR.No.5079

ORDER
IN
CRL OP(MD) No.4066 of 2019
Date :18/03/2019

TK/JC/SAR-2/21.03.2019/3P/7C