



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4500 of 2019

1.SUNDARARAJAN
2 MURUGESWARI
3 PANDIAMMAL

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

(CRIME NO. 57 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S. A. BANUMATHY Advocate

For Respondent : MR.A.ROBINSON,
Govt. 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 452, 323 and 506(i) r/w Section 109 of IPC in Cr.No.57 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to property dispute, a wordy quarrel arose between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant. Thereby, the defacto complainant sustained injuries and was admitted in hospital. On the basis of the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit that the defacto complainant is the mother of the first petitioner. However, on institutions would submit that the petitioners are ready to deposit a sum of Rs.15,000/- in the name of



her mother.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured has been discharged from the hospital. He would further submit that investigation is still pending.

5.Considering the facts and circumstances and considering the fact that the injured has 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, Thirumangalam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 first petitioner is directed to open the bank account in the name of the defacto complainant and shall deposit a sum of Rs.15,000/- in favour of her and handed over the said Bank Pass Book 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 petitioners shall report before the respondent police daily at 10.30 a.m.,until further orders;

(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 petitioner 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/-

27/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

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

3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S. A. BANUMATHY Advocate SR.No.5663

ORDER

IN

CRL OP (MD) No.4500 of 2019

Date :27/03/2019

AE/MMS/SAR-III/05.04.2019/3P/6C