



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

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4667 of 2019

1. RAMAR,
2 ABISEGAM
3 KAMALAM,
4 PETCHIAMMAL,
5 ARULMOZHI,
6 MUTHURAMALINGAM,

... PETITIONERS / ACCUSED 1 TO 6

Vs

THE INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION,
KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.22/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.MOHAMED RAFI 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 apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147,353,294 (b) and 506(i) of IPC in Cr.No.22 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner is the adjacent owner. The defacto complainant approached this Court for surveying the property and this Court issued order in favour of the defacto complainant for surveying the property. Accordingly the surveyor went to the property in order to survey . On seeing the surveyor the petitioners abused him filthy language, thereby the revenue peoples filed a complaint before the respondent police.



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 persons. He would submit that the surveyor planted survey stone in the property belonging to the petitioners which was questioned by the petitioners hence the present case is filed and according prayed for anticipatory bail

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner abused the defacto complainant in filthy language would also submit that no one sustained injuries in the scene of occurrence.

5.Considering the facts and circumstances of the case and also considering the fact that no one sustained injuries in the scene of occurrence this Court is inclined to grant anticipatory bail to the petitioner. 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, Kamuthi, Ramanathapuram District on condition that the petitioners 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 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 first petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the petitioner 2 to 5 shall report before the respondent police as and when required for interrogation;

(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/-
28/03/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PERUNAZHI POLICE STATION,
KAMUTHI TALUK, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.M.MOHAMED RAFI Advocate SR.No.5801

ORDER
IN
CRL OP(MD) No.4667 of 2019
Date :28/03/2019

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AE/VR/SAR-I/01.04.2019/3P/6C