



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4838 of 2019

1 S.LAKSHMI,

2 SHANKAR,

... PETITIONERS / ACCUSED NO. 1 TO 2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
GANGAIKONDAN P.S., TIRUNELVELI.
(CRIME.NO.48 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.K.R.LENIN SEKAR Advocate

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

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

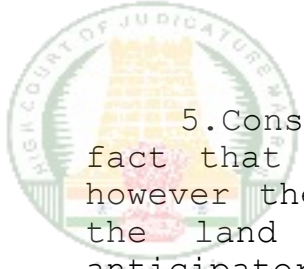
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 352 and 506(ii) of IPC in Cr.No.48 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the disputed land belongs to the father-in-law. After demise of his father-in law , the property was settled in favour of the petitioner. Thereafter when the defacto complainant was doing maintenance work, the petitioner herein came to the land, abused the defacto complainant, assaulted with stick and threatened with dire consequences. 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 persons. He would also submit that the land belongs to the petitioner and undertakes to work out the remedy in the manner known to law.

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



5. Considering the facts and circumstances and considering the fact that injured has already been discharged from the hospital, however the petitioner did not produce any documents to show that the land belongs to him, 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.III, Tirunelveli, 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 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 second petitioner shall report before the respondent police daily at 10.30a.m until further orders and the first petitioner 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/-

01/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-III,
TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION, TIRUNELVELI.

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

+1. CC to Mr.C.K.R.LENIN SEKAR Advocate SR.No.5863

PS/MMS/SAR-1/03.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.4838 of 2019

Date :01/04/2019