



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.4841 of 2019

1 SELVAKUMAR
2 SAMRAJ

... PETITIONERS/ ACCUSED No. 1 & 3

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.16 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.RAMU Advocate

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

For Intervener : MR.S.MUTHUKUMAR, Advocate

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), 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.16 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute the petitioners herein abused the defacto complainant 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.

4. The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail stating that there are previous cases pending against the petitioners for the offences under Sections 294(b), 353, 447 and 506(i) of IPC



5. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that no one sustained injuries in the scene of occurrence.

6. Considering the facts and circumstances and considering the fact that no one sustained injuries in the scene of occurrence, 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, Sankarankovil, 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders

(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 /



TO

1 THE JUDICIAL MAGISTRATE
SANKARANKOVIL, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION.,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.M.RAMU Advocate SR.No.5902

ORDER
IN
CRL OP(MD) No.4841 of 2019
Date :01/04/2019

MSI/PN/SAR 4/03.04.2019/3P-6C