



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

Wednesday, the Tenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5331 of 2019

1 MAHESWARAN
2 BHUVANESWARI
3 S.GANESH

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE
GANTHIMARKET POLICE STATION,
TRICHY CITY.
(IN CRIME NO.203 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.B.JAMEEL ARASU 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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 448, 427 and 506(ii) of IPC, in Cr.No.203 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant under the brother of first accused. Due to the property dispute between the brothers, the first accused entered into the defacto complainant's rented house and caused damages to the household articles. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The landlord is the brother of the first petitioner. Due to previous motive the defacto complainant lodged this false complaint.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that no one has been sustained injury and some house hold articles were damaged.



5.Considering the facts and circumstances of the case and since no one has been sustained injury, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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.V, Trichy, 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 learned 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/-
10/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-V,
TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY.

3 THE INSPECTOR OF POLICE,
GANTHIMARKET POLICE STATION,
TRICHY CITY.

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

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.6560

PS/VR/SAR-3/12.04.2019/3P/6C

ORDER

IN

CRL OP(MD) No.5331 of 2019

Date :10/04/2019