



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

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5373 of 2019

1.SELVAPERUMAL,
2 THANGAVEL MURUGAN, ... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
MANDAIKARU POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.19/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.C.SANKAR PRAKASH 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 353, 294 (b), 323 and 506(i) of I.P.C. in Cr.No.19 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the representative of Town Panchayat Board went to the petitioner's house for collecting water tax and property tax. There was a wordy quarrel arose between them, at that time, the petitioners attacked the defacto complainant and sustained injury, thereby, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that for non payment of the water tax and the property tax, the Town Panchayat Board went to the petitioner's house and thrown out some materials in-front of his house, thereby, there was a wordy altercation between them. Accordingly, they pray for anticipatory bail.



4.Today, on instructions, the learned counsel appearing for the petitioners undertakes that the petitioners are ready to deposit a sum of Rs.10,000/- and including the tax amount to the welfare of the local Town Panchayat.

5.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioners themselves come forward to deposit a sum of Rs.10,000/- and including the tax amount to the welfare of the local Town Panchayat Board, this Court may pass appropriate order.

6.Considering the facts and circumstances of the case and considering the undertaking given by the petitioners, 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, Eraniel, Kanyakumari District, 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 shall deposit a sum of Rs.10,000/- and including the tax amount to the welfare of the local Town Panchayat Board, within a period of two weeks from the date of receipt of a copy of this order and produce the copy of receipt at the time of furnishing sureties before the concerned Court.

(b)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;

(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 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;



(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/04/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
MANDAIKARU POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
WELFARE OF LOCAL TOWN PANCHAYAT BOARD,
MANDAIKADU, KALLKULAM TALUK,
KANYAKUMARI DISTRICT.

+1 CC to M/s.C.SAKAR PRAKASH, Advocate (SR-6611[I] dated 11/04/2019)

ORDER
IN
CRL OP (MD) No.5373 of 2019
Date :11/04/2019

AE/VR/SAR-II/23.04.2019/3P/7C