



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

Thursday, the Eleventh day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5499 of 2019

1 MARIMUTHU
2 VELMURUGAN

... PETITIONERS / ACCUSED NO.1 AND 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
KADAMALAIKUNDU, THENI DISTRICT.
(IN CRIME NO.87 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.NEELAMEGAM 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 :-

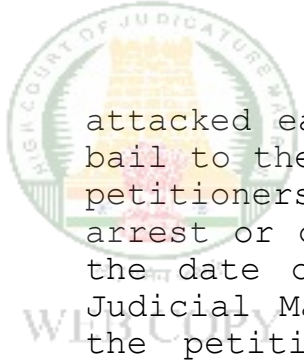
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379, 506 (ii), 294(b), 441 IPC in Cr.No.87 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner and the defacto complainant are relatives. Due to property dispute, they were attacked each other and thereafter, the defacto complainant gave a complaint before the respondent police. However, the complaint was taken on file. Again, they filed a petition, thereby, the law enforcing agency registered a case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based on the complaint, a case was registered by the law enforcing agency.

5.Considering the facts and circumstances of the case and considering the fact that due to property dispute, both of them



attacked each other, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Aundipatti, Theni 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 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 petitioner 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/-
11/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
KADAMALAIKUNDU, THENI DISTRICT.

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

+1. CC to Mr.K.NEELAMEGAM Advocate SR.No.60320

PS/MMS/SAR-4/22.04.2019/3P/6C

ORDER

IN

CRL OP(MD) No.5499 of 2019

Date :11/04/2019