



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.565 of 2019

1.KRISHNAN
2 KALIYAMMAL
3 LAKSHMI

... PETITIONERS / ACCUSED NOS.1,4&5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
(IN CRIME NO. 356 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.KUMAR Advocate

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

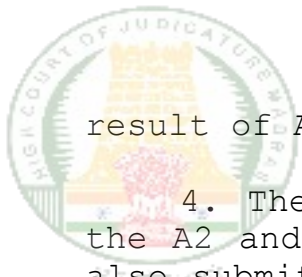
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,323,427,506(ii) and 302 of IPC in Cr.No.356 of 2018 seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute regarding fencing of compound wall the petitioners unlawfully assembled together and damaged the tiles of the house and also the first petitioner herein assaulted the defacto complainant with rod on her head and the other accused have beaten the defacto complainant and threatened her with dire consequences, due to which the defacto complainant sustained injuries and died.

3. The learned counsel for the petitioners would submit that petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would also submit that the post mortem report shows that the skull -intact and that no external injuries are found over the body. Further the Assistant Professor of Government Medical has given a report that "After perusal of PM Report and FSL Report, I am of the final opinion Death could have been due to sudden Cardio-Respiratory Failure as a



result of Atheromatous Plaque and Consolidation of lungs".

4. The learned Government Advocate(Crl.Side) would submit that the A2 and A3 in this case was granted anticipatory bail. He would also submit that investigation in this over and charge sheet is yet to be filed.

5. Taking into consideration the facts of the case and the submissions by learned counsels ,this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Sivagangai, Sivagangai 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m for a period of two weeks and thereafter as and when required for interrogation. The second and third petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. I,
SIVAGANGAI , SIVAGANGAI DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.T.KUMAR Advocate SR.No.708

ORDER
IN
CRL OP (MD) No.565 of 2019
Date :11/01/2019

AE/PN/SAR2/21.01.2019/3P/6C