



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5707 of 2019

1 M.PAKKIYAM
2 P.MAYAMMAL
3 P.RAMAN

... PETITIONERS / ACCUSED
No.1 to 3

Vs

THE INSPECTOR OF POLICE
APPAN THIRUPATHY POLICE STATION,
MADURAI DISTRICT.
Crime No.56/2019

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.KARTHIGA Advocate for
M/S.RIGHT LAW ASSOCIATES

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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 294 (b), 323, 379 and 427 of IPC and Section 4 of Women Harassment Act, in Crime No.56 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives. Due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant, wherein the petitioners were said to have abused the defacto complainant with filthy language. Hence, the defacto complainant had lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the offence and they have been falsely implicated in this case and hence, the



petitioners may be granted anticipatory bail. He would further submit that no previous case pending against the petitioners.

4. The learned Additional Public Prosecutor appearing for the State would submit that due to civil dispute, there was a wordy quarrel between the petitioners and the defacto complainant and no one sustained injury.

5. Taking into consideration, the nature of allegation against the petitioners and also that no one sustained injury and that no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Additional Mahila Court Magistrate Level, Madurai, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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:

(b) the petitioners and the sureties shall affix their photograph 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;

(c) the first and third petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) the second petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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



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

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/ TRUE COPY /

sd/-
16/04/2019

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

TO

1. THE ADDITIONAL MAHILA COURT
MAGISTRATE LEVEL, MADURAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
APPAN THIRUPATHY POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. RIGHT LAW ASSOCIATES Advocate SR.No.6824

ORDER
IN
CRL OP(MD) No.5707 of 2019
Date : 16/04/2019

TK/MMS/SAR-4/23.04.2019/3P/6C