



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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6407 of 2019

1.L.CHRISTURAJ
2 ANGEL
3 A.KUMAR

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. NOT KNOWN/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SUBASH BABU 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 are apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147,341,294(b), 323, 506(i), 392 and 365 of IPC in Crime No.161 of 2019, seek anticipatory bail.

2.The first petitioner is the father of the defacto complainant's husband. The case of the prosecution is that the petitioners are said to have assaulted the defacto complainant and her husband and also snatched 3 ½ sovereigns of gold chain and also kidnapped her husband. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would also submit that there was a family dispute between them, for which a false case has been foisted against the petitioners.



4. The learned Government Advocate (Crl. side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioners.

5. Considering the facts and circumstances and considering the fact it is a family dispute, 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 No. IV, 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 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 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]**; and;

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

sd/-
30/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. IV,
TRICHY.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to MR. M. SUBASH BABU Advocate SR. No. 7833

ORDER

IN

CRL OP (MD) No. 6407 of 2019

Date : 30/04/2019

AE/JC/SAR-II/ (06.05.2019) 3P 6C