



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr. Justice B.PUGALENDHI

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CRL OP (MD) No.7067 of 2019

1 M.PACKIAM,

2 P.MAYAMMAL,

3 P.RAMAN,

... PETITIONERS/ACCUSED 2, 4 AND 7

Vs

1 THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION, MADURAI
IN CR.NO.90/2019

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Venkatesan, for M/S.RIGHT LAW ASSOCIATES
Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 264(b), 448, 342, 427, 324, 307, 379, 506(ii) IPC and read with Section 4 of the TNPWH Act in Crime No.90 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.R.Venkatesan, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that due to previous enmity, the first petitioner abused the defacto complainant and his family members. The first petitioner is said to have made life threat to the defacto complainant by showing deadly weapons and the petitioners have taken away the electric pumps of the defacto



complainant. Hence this complaint.

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, they pray to grant anticipatory bail.

5.The learned Government Advocate (Crl Side) appearing for the respondent Police opposes the grant of anticipatory bail.

6.It appears that the dispute is between the brothers. The defacto complainant is none other than the own brother of the first petitioner. The second and third petitioners are the wife and son of the first petitioner.

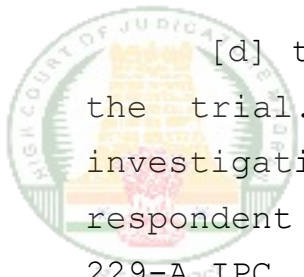
7.Taking into consideration the facts and circumstances of the case that the injured has been discharged from the hospital and there is no bad antecedent against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

(i) 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 on which the order copy was made ready before the learned Additional Mahila Court (Judicial Magistrate Level), Madurai on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, for a like sum to the satisfaction of the respondent Police and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police on every Monday at 10.30 a.m., until further orders and as and when required.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.



[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC.

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[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
15/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL), MADURAI

2 DO THRO'THE CHIEF JUDICIAL MAGISTRATE MADURAI

3 THE ADDITIONAL PUBLIC PROSEUCTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION, MADURAI

+1. CC to M/S.RIGHT LAW ASSOCIATES Advocate SR.No. 8299

KK PN SAR 2
17/05/2019
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ORDER IN
CRL OP(MD) No.7067 of 2019
Date :15/05/2019