



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

Date : 10/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.7437 of 2019

1. Kaleeswaran
2. Jayalakshmi
3. Lakshmanan

... Petitioners/Accused No.1 to 3

Vs

The state represented by,
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.185 of 2019)

... Respondent/Complainant

For Petitioner : M/s.SP.Vijay Nivas, Advocate

For Respondent : Ms.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime no.185 of 2019 on the file
Respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of
Women Harassment Act in Crime No.185 of 2019, seek anticipatory
bail.

2.The learned counsel for the petitioners seeks permission
of this Court to withdraw this petition in respect of petitioners 1
& 2. He has also made an endorsement to that effect.

3.Recording the said submission and the endorsement so
made, this petition is dismissed as withdrawn, in respect of
petitioners 1 & 2.

4.The learned counsel appearing for the petitioners has
submitted that the third petitioner is more than 80 years old and



the allegation against him is that he assaulted the defacto complainant, which is totally unbelievable. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that there are totally three accused involved in this case. All the three petitioners frequently indulging in quarrels with the defacto complainant and on 29.04.2019, they have assaulted the defacto complainant and taken away a sum of Rs.35,000/-, cell phone and jewels also. Therefore, she strongly opposed this petition.

6. Taking into consideration of the aforesaid fact that the third petitioner is 80 years old, this Court is inclined to grant anticipatory bail to the third petitioner by imposing certain conditions.

7. Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamaduri, Sivangangai District on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the third petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the third petitioner shall report before the respondent Police as and when required for the interrogation.

[c] the third petitioner shall not abscond either during investigation or trail.

[d] the third petitioner shall not tamper with evidence or witness either during investigation or trail.

[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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.



8. This petition is dismissed as withdrawn in respect of the petitioners 1 & 2 and anticipatory bail is granted only in respect of the third petitioner.

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

TO

1. THE JUDICIAL MAGISTRATE
MANAMADURAI, SIVAGANGAI DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.SP.VIJAY NIVAS Advocate SR.No.9348

ORDER
IN
CRL OP(MD) No.7437 of 2019
Date :10/06/2019

VS

PK/PN/SAR-1/18.06.2019 : 3P/6C