



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7681 of 2019

1.D.Arulraj,
2.Jesupatham Anna Marial,
3.Daniel, ... Petitioners/Accused Nos.1 to 3.

Vs

State Rep.by its,
The Inspector of Police,
Thisayanvilzi Police Station,
Tirunelveli District.
(Crime No.202/2019). ... Respondent/Complainant

For Petitioners : M/s.A.Thiruvadi Kumar,
Advocate.
For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

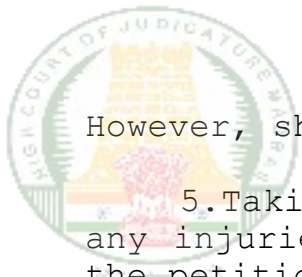
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506 (i) IPC in Crime No.202 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to land dispute, a false case has been foisted against the petitioners. He further submitted that no one has sustained any injury and hence, he prayed for grant of anticipatory bail to the petitioners. He further submitted that if the Court inclined to allow this petition he requests that since the petitioners 1 and 2 are working as teacher at Salem, not to impose a condition that they should appear before the respondent.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that no one has sustained any injuries.



However, she opposed this petition as investigation is pending.

5. Taking into consideration the fact that no one has sustained any injuries, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. 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, Nanguneri 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) since the petitioners 1 & 2 are working as teacher At Salem, they shall report before the respondent police as and when required for interrogation and the third petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
06/06/2019

/ TRUE COPY /



TO

- 1.The Judicial Magistrate,
Nanguneri.
- 2.Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
- 3.The Inspector of Police,
Thisayanvilzi Police Station,
Tirunelveli District (Cr.No.202/2019).
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-9214[I] dated
07/06/2019)

ORDER
IN
CRL OP(MD) No.7681 of 2019
Date :06/06/2019

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AE/PN/SAR-III (11.06.2019) 3P 6C