



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8121 of 2019

1. Muthu Palaniyappan S/o. Palaniyappa Chettiar
 2. Vijaya
 3. Muthu Palaniyappan S/o. Muthu Palaniyappan
 4. Maruthappan
- ... Petitioners/Accused
Rank 1 to 4

Vs

State rep by its,
The Inspector of Police,,
Nerkuppai Police Station,
Sivagangai District.
Crime No.58 of 2019

... Respondent/Complainant

For Petitioners : M/s.P.Venkata Subramanian,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).

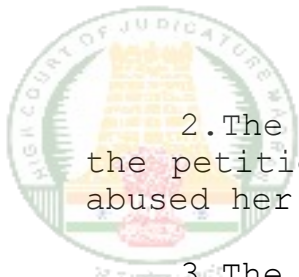
PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C

PRAYER :-

For anticipatory bail in cr.no.58 of 2019 on the file of the
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 454,
294(b), 506(i) and 120(b) of I.P.C, in Crime No.58 of 2019, seek
anticipatory bail.



2.The case of the prosecution is that due to civil dispute, the petitioners trespassed into the defacto complainant's house and abused her by using filthy language. Hence, the complaint.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence. Due to family dispute, a false case has been foisted against the petitioners. He has further submitted that no one sustained any injury and prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that due to family dispute, a complaint was lodged as against the petitioners. She has fairly conceded that no one sustained injury.

5.Taking into consideration of the fact that there was a family dispute and also the fact that no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Thiruppattur, Sivagangai District, 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) the petitioners 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.

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14/06/2019

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

TO

- 1.The Judicial Magistrate,
Thiruppatur, Sivagangai District.
- 2.Do-Through The Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,,
Nerkuppai Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.VENKATA SUBRAMANIAN, Advocate (SR-9778[I] dated 17/06/2019)

ORDER
IN
CRL OP(MD) No.8121 of 2019
Date : 14/06/2019

das
TK/PN/SAR.2/18.06.2019/3P/6C