



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.829 of 2019

1 KALIDASS YOGEEESWARAR
2 RAJA MURUGAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI.
(CRIME NO.14/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MANI ANANDH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervener : MR.S.SIVANESAN, Advocate

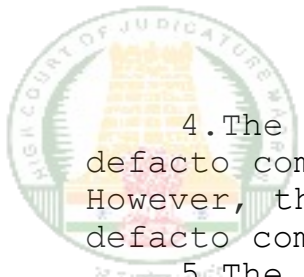
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 147, 148, 294(b), 347, 427, 506(i) and 380 (NP) of IPC, in Cr.No.14 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the land lord and the defacto complainant is the tenant under the first petitioner. The defacto complainant running a hotel in the rental premises in the name and style of 'R.K.Restaurant'. When the first petitioner demanded to vacate the property, the defacto complainant refused to do so. Hence, there was a wordy quarrel arose between them. At that time, the petitioners attacked the defacto complainant and ransacked the hotel articles. Hence, the defacto complainant lodged this complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. The defacto complainant and the first petitioner had entered into a rental lease agreement for a sum of Rs.1,70,000/-. But the defacto complainant did not pay the rent amount regularly. When the same was questioned by the first petitioner there was an altercation arose between them. Accordingly, he prayed for anticipatory bail.



4. The learned counsel for the intervenor would submit that the defacto complainant paid the rent regularly to the first petitioner. However, the petitioners ransacked the entire hotel and attacked the defacto complainant, thereby he sustained injury.

5. The learned Government Advocate (Crl.Side) appearing for the investigation is still pending.

6. Considering the facts and circumstances of this case and since there are no serious allegations against the petitioners, 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, Thirumangalam, 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 learned 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/-

11/02/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



3 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION, MADURAI .

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

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+1. CC to M/S.T.LENIN KUMAR Advocate SR.No. 2826

ORDER

IN

CRL OP (MD) No.829 of 2019

Date :11/02/2019

JM/PN/SAR 1/13.02.2019/3P/6C