

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9157 of 2019

1. Rethinam,
2. R.Ramanathan,
3. Murugan @ Jeyamurugan,
4. R.Deivanai,
5. Selvi @ Kalaiselvi,
6. Roja @ Kaleeswari,
7. R.Thilakavathy, ... Petitioners Nos.1 to 7/
Accused Nos.1 to 7

Vs

The Sub Inspector of Police,
Devakottai Taluk Police Station,
Devakottai Taluk,
Sivagangai District.
(Cr.No.119/2019). ... Respondent/Complainant

For Petitioners: Mr.R.Venkatesan for
M/s.Right Law Associates,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Cr.No.119 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 147, 341 and 506 (ii) of IPC, in Crime No. 119 of 2019, seek anticipatory bail.

3.The learned counsel appearing for the petitioners has submitted that even as per the FIR, the dispute arose between the petitioner and the defacto complainant with regard to the burial of one Yasmin Banu in her ancestral property. He further submitted that the petitioners threatened that they will dig the dead body from the burial ground and they will burn the dead body by pouring petrol. He further submitted that all the petitioners are same family members and they were falsely implicated in this case and no one sustained injury and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the dispute arose between the petitioners and the defacto complainant with regard to the burial of one Yasmin Banu in her ancestral property. She further submitted that already another case was lodged by the Village Administrative Officer, Kannankudi Taluk, Devakottai, before the respondent police in Cr.No.114 of 2019 against both of them. Hence, she opposed this petition. However, she fairly conceded that no one sustained injury.

5.Taking into consideration of the aforesaid fact that no one sustained any 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, Devakottai, 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.

sd/-
28/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI

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

3 THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI TALUK, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.RIGHT LAW ASSOCIATES, Advocate (SR-10712[I] dated
28/06/2019)

ORDER
IN

CRL OP(MD) No.9157 of 2019
Date :28/06/2019

dss

AE/JC/SAR-IV (05.07.2019) 3P 6C

WEB COPY