

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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9158 of 2019

1 RETHINAM
2 R.KALAISELVI
3 A.SHANTHI
4 P.THILAKAVATHY

... PETITIONERS 1 TO 4/
ACCUSED NOS.13 TO 16

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI TALUK,
SIVAGANGAI DISTRICT.
(CRIME NO.114/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.VENKATESAN, Advocate
for M/S.RIGHT LAW ASSOCIATES

For Respondent : Mrs.M.ANANTHA DEVI, Government 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 147, 186, 353, 286 and 506 (ii) of IPC, in Crime No. 114 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that even as per the FIR, the dispute arose between the petitioners and the defacto complainant with regard to the burial of one Yasmin Banu in her ancestral property. The petitioners objected the burial in the said property. Because, they are residing at adjacent land. The Village Administrative Officer/the defacto complainant, the revenue Inspector and Village Assistant tried to

settle the dispute amicably. But, one Naina Ali and others pushed away them and come forwarded with dead body for burial in the said property and at the same time, the second petitioner herein, poured kerosene on her body and tried to set fire herself. He further submitted that 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 defacto complainant, before the respondent police in Cr.No.119 of 2019 against the petitioners. 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.

(ii) 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-10711[I] dated
28/06/2019)

ORDER
IN

CRL OP(MD) No.9158 of 2019
Date :28/06/2019

JM/VR/SAR 3/11.07.2019/3P/6C

WEB COPY