



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

Date : 08/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.9642 of 2019

1.Sivagnanam
2.Thangasamy

... Petitioners/Accused
No.1 and 2

Vs

State, represented by
The Inspector of Police,
Vilakkuthoon Police Station
Madurai District.
Crime No. 447/2019

... Respondent/Complainant

For Petitioners : M/s.M.Saravanan, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.447 /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 406, 420, 294(b) and 506(ii) I.P.C, in Crime No.447 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are tenants under one Pandurengan and Sivagnanam in respect of door No.61 of Kamarajar Salai. He further submitted that since the landlords tried to evict the petitioners by force, they have filed a suit in O.S.No.174 of 2019 on the file of the District Munsif Court, Madurai and an order of interim injunction was also granted against the landlords (defacto complainant) and thereafter, the defacto complainant gave a false complaint against the petitioners and hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners, without giving rent,



want to continue in possession of the said property and hence, the defacto complainant made a request to vacate the premises. But they have criminally intimidated the defacto complainant and also assaulted him. Hence, he strongly opposed this petition.

4. Taking into consideration of the submission made by the learned counsel for the petitioners that already, a civil suit had been filed by the petitioners and also interim injunction was also obtained by them against the defacto complainant and also the fact that the injured sustained only simple injury and he was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Madurai on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO I,
MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION
MADURAI DISTRICT.

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

+1 CC to M/s.M.SARAVANAN, Advocate (SR-11292[I] dated 09/07/2019)

ORDER

IN

CRL OP(MD) No.9642 of 2019

Date :08/07/2019

VS

TK/VR/SAR.2/16.07.2019/3P/6C