



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.23049 of 2018

1.SUBBAMMAL

2 PERUMAL

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

THATTAPARAI POLICE STATION,

THOOTHUKUDI DISTRICT.

(CRIME NO. 145 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.KANAGARAJ Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
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 alleged offences punishable under Sections 294(b), 323, 506(ii) IPC and Section 4 of TNPHW Act in Crime No.145 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was a quarrel between the petitioners and the defacto complainant with regard to some civil dispute, due to which the petitioners attacked and abused the defacto complainant with filthy language and also threatened her with dire consequences.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.side) would submit that the first accused in this case was granted anticipatory bail and the third accused was arrested and released on bail.

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5.Taking into consideration the facts of the case and the



submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.

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 No.I, Thoothukudi 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter 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]**.

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

sd/-
04/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.

<https://hcservices.ecourts.gov.in/hcservices/>

2.DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3. THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to MR.P.KANAGARAJ Advocate SR.No.256

ORDER
IN
CRL OP (MD) No.23049 of 2018
Date :04/01/2019

AE/JC/SAR3/11.01.2019/3P/6C