



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9921 of 2019

1. Mariyappan
2. Muthumari
3. Mariammal

... Petitioner/1st to 3rd Accused

Vs

The State Rep.by,
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
Crime No. 49/ 2019.

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

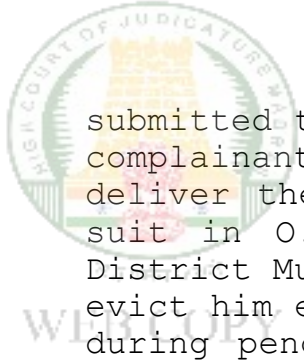
For Anticipatory Bail in Crime No. 49 of 2019 on the file of the Respondent police

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 294 (b), 506 (ii) & 427 of IPC and Section 4 of the Public Property (Prevention of damage and loss) Act, 1992 in Crime No.49 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the second petitioner is the daughter and the third petitioner is the neighbour of the first petitioner. He further



submitted that the first petitioner is the land lord and the defacto complainant is the tenant and when the petitioners demanded to deliver the vacant possession, the defacto complainant has filed a suit in O.S.No.23 of 2019 on the file of the learned Principal District Munsif, Thoothukudi seeking the relief of injunction not to evict him except under due process of law. He further submitted that during pendency of the said suit, the matter has been compromised and the defacto complainant has handed over the possession to the first petitioner and in pursuance of the said compromise, he has withdrawn the said suit on 25.06.2019. He further submitted that the petitioners have not committed any offence and hence, he prayed to anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has fairly conceded that already the defacto complainant has vacated the premises.

5.Taking into consideration the fact that already the matter has been compromised and the defacto complainant has vacated the premises, 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 Court-III, 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 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/-
19/07/2019

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/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE COURT-III,
THOOTHUKUDI

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

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

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

+1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.12007

ORDER
IN
CRL OP(MD) No.9921 of 2019
Date :19/07/2019

dss

PK/VR/SAR-4/29.07.2019 : 3P/6C