

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

Date : 22/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11750 of 2019

1. Chinnaponnu
2. Anna Lakshmi
3. Chandran
4. Balakrishnan

.... Petitioners/Accused

Vs

The state Rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District,
Cr No. 289/2019.

.... Respondent/Complainant

For Petitioners: M/s. A. Sivasubramanian,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 289/2019 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)
of IPC and Section 4 of Tamilnadu Prohibition of Women harassment
Act, 2002, in Crime No.289 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that already the petitioners herein have filed a suit for

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

permanent junction in O.S.No.153 of 2011 on the file of the District Munsif, Nilakottai against the defacto complainant in respect of the property situated in Survey No.694/B at Sevunganpatti Village measuring about 34 cents and they got decree on 09.12.2016 and as such there is no necessity to insist the defacto complainant to execute a sale deed in favour of the petitioners. He further submitted that already the defacto complainant and her family members attacked the petitioners and ransacked their house and hence, a complaint was lodged before the respondent police and based on the same, FIR has been registered in Crime No.252 of 2019 under Sections 294 (b) and 506 (ii) IPC and as a counter blast, the defacto complainant gave the present complaint and that the petitioners have not committed any offence, and therefore, he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has fairly conceded that already a case has been registered in Crime No.252 of 2019 against the defacto complainant and her family members. He further submitted that there was only wordy altercation and no one sustained any injury. However, he opposed this petition on the ground that the investigation not yet completed.

5.Taking into consideration of the fact that already the Civil Court has granted a decree in favour of the petitioners and also the fact that already a criminal case has been registered against the defacto complainant and her family members in Crime No.252 of 2019 and also the 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 Judicial Magistrate Court, Nilakottai, 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) considering the submission made by the learned counsel for the petitioners that since the first petitioner is aged about 70 years and she is bed ridden, she shall appear before the respondent police as and when required for interrogation and the petitioners 2 to 4 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/-
22/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.
- 3 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. A. SIVASUBRAMANIAN Advocate SR.No.13959.

ORDER
IN
CRL OP(MD) No.11750 of 2019
Date :22/08/2019

AM/PN/SAR-2/30.08.2019/3P-6C