



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

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12105 of 2019

WEB COPY

1. Balasubramanian
2. Tamil Selvi

... Petitioners/Accused Nos. 1 & 2

Vs

The State Rep.by its,
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District
(Crime No. 217/2019).

... Respondent/Complainant

For Petitioners : M/s.S.S.Annadurai, Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.217/2019 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 offence punishable under Section 506(i) of
IPC, in Crime No.217 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners have
submitted that due to some wordy quarrel, a false case has been
foisted against the petitioners. He further submitted that the
petitioners have not committed any offence. Hence, he prayed to
grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the
respondent has submitted that due to some wordy quarrel, the
petitioners herein abused the defacto complainant and threatened
with dire consequences. She fairly conceded that no previous case
is pending against the petitioners. However, she opposed
the prayer for anticipatory bail on the ground that investigation is still pending.



5. Taking into consideration the fact that there was a wordy quarrel between them and also the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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, Elayangudi, 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 first petitioners shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation. the second petitioner shall report before the respondent 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/-
30/08/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ILAYANKUDI.

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

3 THE INSPECTOR OF POLICE
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT

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

+1 CC to M/s.A.KARTHICK, Advocate (SR-14567[I] dated 03/09/2019)

ORDER

IN

CRL OP(MD) No.12105 of 2019

Date : 30/08/2019

LS

ES/PN/SAR 2/10.09.2019/3P/6C