



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.14566 of 2020

Lakshmi Pathy

... Petitioner/Sole Accused

Vs

State rep.by its.,
The Inspector of Police,
West Police Station, Kovilpatti,
Thoothukudi District.
(Crime No.1197 of 2020).

... Respondent/Complainant

For Petitioner : M/s.T.Antony Arulraj,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

For Intervener : Mr.Prabhu, Advocate

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

PRAYER :- For Anticipatory bail in Crime No.1197 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 506(ii) of I.P.C., in Crime No.1197 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant is the petitioner's brother. Due to money dispute, the petitioner went to the defacto complainant's batter shop and told the shop keeper that the defacto complainant will be killed by him. Thereafter, the said shop keeper informed the same over phone to the defacto complainant. Hence, a case has been registered.

4. The learned counsel for the petitioner submitted that the petitioner and his wife are working as teachers in Government



School. There is civil dispute between their family members. The defacto complainant wants to sell his share of the family property. Since, the petitioner did not intend to sell the same, the defacto complainant lodged a false complaint against the petitioner. The petitioner did not commit any offence as alleged by the prosecution.

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5. The learned Government Advocate (Crl. Side) submitted that there is a family dispute regarding the family property. The defacto complainant and the petitioner are brothers.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kovilpatti, and on his executing 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)The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
WEST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14566 of 2020
Date :11/12/2020

IAS
PK/SMA/SAR-II/17.12.2020 : 3P/5C