



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1988 of 2021

1. A.Perumal
2. A.Selvaraj
3. Paulkani

... Petitioners/Accused Nos.1 to 3

Vs

The Inspector of Police,
Surandai Police Station, Tenkasi,
Tenkasi District.
(Crime No.63/2021).

... Respondent/Complainant

For Petitioners : M/s.Lajapathi Roy.T,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

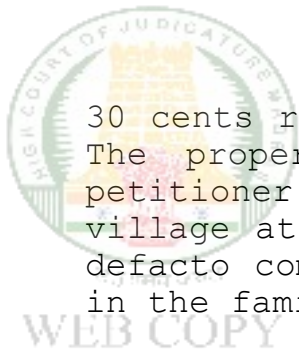
For Anticipatory Bail in Crime No.63/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 467, 468, 471, 294(b) and 506(ii) of I.P.C., in Crime No.63 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The petitioners and the defacto complainant hail from same village and they are neighbours. The petitioners' father purchased S.No.197/1 and 197/8 to an extent of 41 cents and 30



30 cents respectively. There was family partition in the year 1992. The property in Survey No.197/7, 8 and 9 are with the first petitioner from thereon. The defacto complainant was not in the village at that time and he returned to the village now only. The defacto complainant came to know that his property is also included in the family partition.

4.Considering the facts and circumstances of the case and the issue is a civil in nature, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alankulam, Tenkasi, 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:

(a)The petitioners 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 petitioners shall report before the respondent police 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;

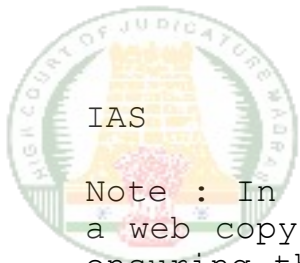
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
18/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



IAS

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.

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANKULAM, TENKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TENKASI,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.LAJAPATHI ROY Advocate SR.No.2294

ORDER

IN

CRL OP(MD) No.1988 of 2021

Date :18/03/2021

NR/PN/SAR-III(22.03.2021) 3P:6C