



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15935 of 2021

1. Selvakumar,
2. Girijadevi,
3. Athilakshmi,

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep by,
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.203 of 2021.

... Respondent/Complainant

For Petitioners : Mr.M.Kannan,Advocate.

For Respondent : Mr.Muthumanickam,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.203 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 427, 379, 294(b), 506(i) IPC in Crime No.203 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

3.The case of the prosecution is that the property in Survey No.1669/2015 belongs to the defacto complainant and when he was in outstation, the petitioners demolished the back side of the house, caused damage and threatened the defacto complainant. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the first petitioner is the brother of the defacto complainant, the second petitioner is the wife of the first petitioner and third petitioner is the mother of the defacto complainant. He would further submit that this is a false case foisted against these petitioners and hence, they seek anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that the issue involved in this case is family dispute, over which partition suit is already pending.



6.Considering the facts and circumstances of the case and also considering the fact that except the offence under Sections 379 and 506(i) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are 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 No.I, Sivakasi and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required by the respondent police;

(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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

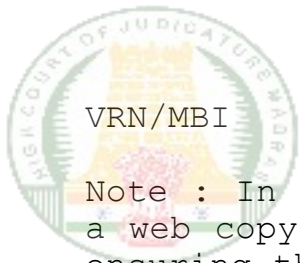
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12/10/2021

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



VRN/MBI

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 NO.I,
SIVAKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.203 OF 2021.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.KANNAN, Advocate (SR-7225[I] dated 13/10/2021)

ORDER

IN

CRL OP(MD) No.15935 of 2021

Date :12/10/2021

PKP/VR/SAR-1/20.10.2021/3P/6C