



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

Date : 30/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.21183 of 2022

WEB COPY

1. Brida @ Brita Johanna
2. Jebaraj
3. Pushpam @ Rajapushpam ... Petitioners/Accused 3 to 5

Vs

The State Rep. By,
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
Crime No.158 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Rajeshwaran K,
Advocate
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.158 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.3 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 379, 500 and 506(i) of IPC, in Crime No.158 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, after the death of the defacto complainant's wife, the second accused, who is the son of the defacto complainant instigated the petitioners herein and taken the car of the defacto complainant and harassed him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that this is the second anticipatory bail application. Due to civil dispute, this false case has been foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. Further, the second accused was already granted anticipatory bail and the petitioner shall abide any



condition imposed by this Court. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that it is a dispute between the family members and that the accused persons harassed the defacto complainant both mentally and cruelly and also taken away the car from him. He would further submit that no previous case is pending against the petitioners and in this case, nine witnesses have been examined so far and investigation is not completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that co-accused was granted anticipatory bail, the petitioners are not having any bad antecedents and nine witnesses have already been examined, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, 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 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 card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2022

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/ TRUE COPY /

/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.RAJESHWARAN K Advocate SR.No.58651(F).

ORDER
IN
CRL OP(MD) No.21183 of 2022
Date :30/11/2022

CP
USK/VR/SAR-I/19.12.2022/3P/6C