



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

Date : 02/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.3979 of 2023

1. Mekkaveerammal,
2. Sakkarai,
3. Dhanam,
4. Easwari,

... Petitioners/Accused No 1 to 3 & 5

Vs

The Sub Inspector of Police,
Sempatty Police Station,
Dindigul District.
Crime No.62 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Chandrakumar A,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

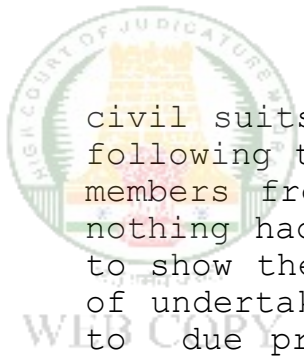
For Anticipatory Bail in Crime No.62 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 & A5, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147, 294(b), 341, 353 and 309 of I.P.C., in Crime No.62 of
2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto
complainant, is that he is working as a Senior Bailiff in the
District Munsif Court at Nilakottai and the first petitioner, who is
the judgment debtor before the Civil Court and the respondent in the
eviction proceedings initiated by one Tamilselvi. On 20.02.2023, the
de-facto complainant had visited the house of the first petitioner
to evict the petitioners by executing the order, at that time, the
first petitioner along with the other accused had abused him in
filthy language and prevented him from discharging his duties and
made an attempt to commit suicide by pouring kerosene on their
bodies by self immolation. Based upon which, the present case came
to be registered against the petitioners.

<https://www.mhc.tn.gov.in/> This learned counsel for the petitioners would submit that the



civil suits are pending between the parties and the Bailiff: it following the procedures, attempted to evict the petitioners' family members from the hut and there was a quarrel and other than that nothing had happened. He would further submit that the petitioners, to show their bona fide, are ready and willing to file an affidavit of undertaking before the learned Magistrate, that they will resort to due process of law and they will not take law into their own hands. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that on 20.02.2023, the de-facto complainant, who is working as a Senior Bailiff in the District Munsif Court at Nilakottai, had visited the house of the first petitioner to evict the petitioners by executing the order, at that time, the first petitioner along with the other accused had abused him in filthy language and prevented him from discharging his duties and made an attempt to commit suicide by pouring kerosene on their bodies by self immolation. He would further submit that the first petitioner is having one previous case and thereby, he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Athur, Dindigul 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 also file an affidavit of undertaking before the learned Magistrate that they will resort to due process of law and they will not take law into their own hands at the time of executing sureties;

[c] the petitioners shall report before the respondent Police, at 10.30 a.m., for a period of two weeks and thereafter, on



every Saturday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Athur, Dindigul District.
2. Do-Through The Chief Judicial Magistrate,
Dindugul District.
3. The Sub Inspector of Police,
Sempatty Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.3979 of 2023
Date : 02/03/2023

KB/vs/s3(08.03.2023) 3P 5C