



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 21/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.3773 of 2019

1.M.Iyappan
2.M.Shanthi
3.A.Hasmitha
4.A.Ashwin

5.Minor.A.Mobina
Representation by Guardian
1st Petitioner Father

... Petitioners/Accused No.1 to 5

Vs

State through
The Sub Inspector of Police,
Kallikudi Police Station, Kallikudi,
Thirumangalam Taluk, Madurai District.
Crime No.77 of 2019.

... Respondent/Defacto Complainant

For Petitioners : Mr.A.Haja Mohideen,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 77 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted he is withdrawing the petition in respect of the



petitioners 1 and 5. He further submitted that the petitioners 2 to 4 are innocents and they have been falsely implicated in this case and hence, he prayed for granting anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor has submitted that the petitioners 1 and 2 are the parents of the petitioners 3 to 5. He further submitted that the first petitioner has received the amount from the de-facto complainant and others and therefore, he strongly opposed this petition, as investigation is still pending.

5. Taking into consideration of the fact that the allegation is only against the first petitioner that he has received the amount from the de-facto complainant and others, therefore, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6. Accordingly, the petitioners 2 to 4 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam and the petitioners 2 to 4 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 and on further condition that:

[a] If the petitioners 2 to 4 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the second petitioner shall report before the respondent police, daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation in respect of the petitioners 3 and 4 are concerned, since it is represented that they are students and no conditions imposed on them.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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)



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

7.As regards the petitioners 1 and 5, this petition is dismissed as withdrawn.

sd/-
21/06/2019

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

TO

1.The Judicial Magistrate, Thirumangalam.

2.Do-Through The Chief Judicial Magistrate,
Madurai District.

3.The Sub Inspector of Police,
Kallikudi Police Station, Kallikudi,
Thirumangalam Taluk, Madurai District. .

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-10258[I] dated
21/06/2019)

ORDER
IN
CRL OP(MD) No.3773 of 2019
Date : 21/06/2019

sjj
TK/JC/SAR.3/28.06.2019/3P/6C