

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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6540 of 2019

1 THAVAPANDI
2 DEIVENDRAN

... PETITIONER / ACCUSED NO.4 & 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 185 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,323,294(b),448, 506(ii) of IPC r/w.Section 4 of TNPHW Act in Crime No. 185 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 in this case along with other petitioners abused the defacto complainant and threatened with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have not demanded any dowry as alleged by the prosecution and hence he prayed for anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the state would submit the petitioner herein in A4 in this case and he is having two previous cases against him.

5. Taking into consideration the fact and circumstances of the case and considering the allegations are levelled against the first petitioner, this Court is of the considered view that this is

not a fit case to grant anticipatory bail to the first petitioner and **accordingly, this petition is dismissed in respect of the first petitioner.**

6. As regards the second petitioner there is no serious allegations against him, this Court is of the view that, some indulgence can be shown to them and therefore, this Court is inclined to grant anticipatory bail to second petitioner.

7. Accordingly, the second petitioner 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 No.I, Sivagangai, Sivagangai District on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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] the second petitioner 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 second petitioner shall appear before the respondent police as and when required for interrogation.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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]**.

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

sd/-
30/04/2019

/ TRUE COPY /

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

TO

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

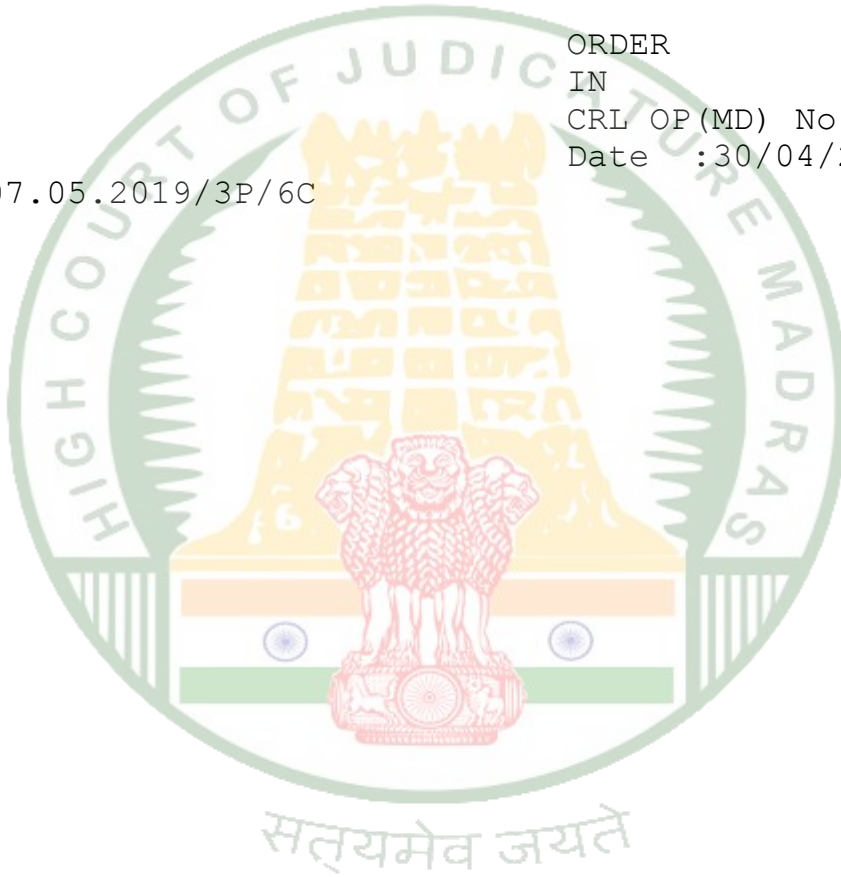
3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.KUMAR, Advocate (SR-8038[I] dated 02/05/2019)

ORDER
IN
CRL OP (MD) No.6540 of 2019
Date :30/04/2019

JM/VR/SAR 1/07.05.2019/3P/6C



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