



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2020

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD).Nos.1944 and 1574 of 2020

CRL OP(MD).No.1944 of 2020:

1. Dhavamani Alias Thavani
2. Ranjith
3. Ravichandran

... Petitioners/Accused 3,2 & 4

Vs

State Rep.by
The Inspector of Police,
Kollidam Police Station,
Tiruchirappalli District.
(Crime No.12/2020).

... Respondent/Complainant

For Petitioner : M/s.S.K.Mani,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

For Intervener : Mr.S.Sukumar, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.12/2020 on the file of the Respondent Police.

CRL OP(MD). No.1574 of 2020:

G.Pichayappan

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Kollidam Police Station,
Tiruchirappalli District.
(Crime No.12/2020)

... Respondent/Complainant



For Petitioner : M/s.S.K.Mani,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.S.Sukumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.12/2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners in Crl.O.P.(MD)No.1944 of 2020 seek bail. The petitioner in Crl.O.P.(MD)No.1574 of 2020 seeks anticipatory bail.

3.The petitioners in Crl.O.P.(MD)No.1944 of 2020 are in custody since 25.01.2020. Crime No.12 of 2020 was registered against the petitioners in both the petitions, for the offences punishable under sections 147, 148, 448, 397 and 506(2) of I.P.C., on the file of the respondent police.

3. The case of the defacto complainant is that when she was in her house along with her husband, A1 Pichayappan entered into the house along with five other persons and took signatures in empty cheques and also in a pronote at knife point. The accused A1 also criminally intimidated the defacto complainant. He is also said to have taken away 5 mobile phones along with a i-pad. A1 seeks anticipatory bail.

4.The learned Government Advocate pointed out that there appears to have been a monetary transaction between A1 Pichayappan at the one hand and the defacto complainant's family on the other. Since, the defacto complainant had not settled the amount of the first accused, the incident in question appears to have taken place. She also pointed out that the properties set out in the First Information Report are yet to be recovered.

5.A3, A2 and A4 have already been arrested. A2 Ranjith is none other than the son of A1. The learned counsel for the petitioner would point out that Pichayappan as well as his son hail from the very same village and if actually Ranjith was present at the time of



occurrence, certainly the defacto complainant would have named him along with A1.

6.I find the said submission to be quite forceful.

7.The learned counsel for the intervener would now claim that the persons who accompanied Pichayappan were wearing masks and therefore, the son of A1 could not be specifically named in the First Information Report. But in the First Information Report, it has not been mentioned that the persons who accompanied A1 were wearing masks.

8.I posed a specific question as to whether, the petitioners in Crl.O.P.(MD)No.1944 of 2020 were taken to police custody.

9.The learned Government Advocate states that they were not taken to police custody and that their confessions alone were obtained.

10.It is not in dispute that the persons who have already been arrested, have no previous cases. Their continued incarceration is not going to serve any purpose. Therefore, I am inclined to grant bail to the the petitioners in Crl.O.P.(MD)No.1944 of 2020.

11.Since serious allegations have been made against A1 and since the properties will have to be recovered, I am of the view that the grant of anticipatory bail to the first accused will certainly tie the hands of investigation. In this view of the matter, Crl.O.P.(MD)No.1574 of 2020 stands dismissed.

12. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioners in Crl.O.P.(MD)No.1944 of 2020, on bail with certain conditions. Accordingly, they are ordered to be released on bail, subject to the following conditions;

(i) the petitioners in Crl.O.P.(MD)No.1944 of 2020, 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 learned Judicial Magistrate at Srirangam, Tiruchirappalli.

(ii) the petitioners in Crl.O.P.(MD)No.1944 of 2020 are directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in Crl.O.P.(MD)No.1944 of 2020 in accordance with law as if the conditions have been imposed and the petitioners



laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
05/02/2020

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

TO

1. THE JUDICIAL MAGISTRATE, SRIRANGAM,
TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
KOLLIDAM POLICE STATION, TIRUCHIRAPPALLI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-2361[I] dated 05/02/2020)
+2CC TO Mr.S.K.MANI, ADVOCATE, SR NO.2315

ORDER IN
CRL OP(MD).Nos.1944 and 1574 of 2020
Date :05/02/2020

MS/VR/SAR-1/05.02.2020/4P.9C