



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/03/2020
PRESENT

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The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4404 of 2020

Muthumani @ Muthu

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhanagar District,
Cr.No.90 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Mahendrapathy,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

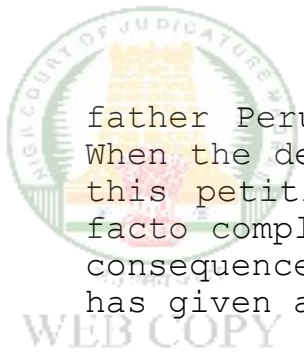
PRAYER :-

For Anticipatory Bail in Crime No.90 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 447, 294(b) and 506(2) of I.P.C., in Crime No.90 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner one Muthumani @ Muthu is arrayed as A-2 along with his father-Perumal, for the alleged offence of threatening the de-facto complainant with dire consequences. According to the complaint, the de-facto complainant-Sridharan has engaged Perumal to look after his land for monthly salary of Rs.3,000/-. When the de-facto complainant visited his land on 02.03.2020, he found that the Teak tree, Neem tree, Pumpset Motor and other wooden articles were stolen. On enquiry, he came to know that the petitioner along with his father-Perumal have stolen the articles and sold it. Hence, the de-facto complainant has terminated the service of the petitioner's



father Perumal and decided to lease of the land to one Lakshmanan. When the de-facto complainant and Lakshmanan went to visit the land, this petitioner along with his father Perumal have abused the de-facto complainant with filthy language and threatened them with dire consequences showing aruval. Fearing life, the de-facto complainant has given a complaint to the respondent police.

3.The learned Government Advocate (Crl. side) appearing for the State would submit that the said Perumal has already been arrested and is in judicial custody, whereas, this petitioner, who is the son of Perumal, is absconding.

4.Taking note of the submission made by the learned Government Advocate (Crl. side), this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 condition that:

(a)the 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 petitioner shall stay at Madurai and report before the Thallakulam Police Station, Madurai, daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the 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 petitioner in accordance with law as if the conditions have been imposed and the 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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHANAGAR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.MAHENDRAPATHY, Advocate, SR.No.5260

ORDER
IN
CRL OP(MD) No.4404 of 2020
Date :11/03/2020

ME/JC/SAR 3/16.03.2020/3P/7C

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