



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/05/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5147 of 2020

1. Mookaiah,
2. Jeyaputhiran,
3. Jeyachandran,, ... Petitioners/Accused 1 to 3

Vs

State rep.by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District. ... Respondent/Complainant

For Petitioners : M/s.K.Kumaravel,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.23 of 2020 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 offences punishable under Sections 147, 341, 294(b), 323, 387 and 506(i) of IPC, seek anticipatory bail.

2.Heard both sides.

3.Based on the belated complaint dated 04.03.2020 for the alleged occurrence on 20.11.2019, alleging that the vehicle bearing Reg.No.TN-63-AL-2486 was forcibly taken away from the de-facto complainant, a case has been registered by the respondent police. Apprehending arrest, the petitioners are before this Court stating that the vehicle stands in the name of one Kothandapani. The de-



facto complainant claiming himself as friend of Kothandapani has given the complaint with imaginary accusation. Despite being the belated complaint, the police is trying to arrest them. Hence, seek anticipatory bail.

4.This Court finds force in the submission made by the learned counsel for the petitioners. Hence, this Court is inclined to grant anticipatory bail on certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- and further each of the petitioners shall produce two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate, Vilathikulam on or before 12.06.2020 and on further condition that:

(a)the petitioners and 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 not tamper with evidence or witness either during investigation or trial;

(c)the petitioners shall not abscond either during investigation or trial;

(d)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]***; and;

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

sd/-

13/05/2020

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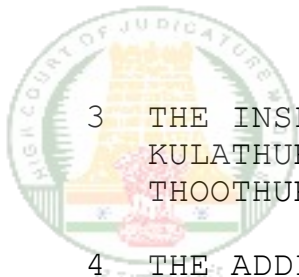
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, VILATHIKULAM.

2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.



3 THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5147 of 2020

Date :13/05/2020

sj i

AE/PN/SAR-II (14.05.2020) 3P 5C