



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.5823 of 2020

1. Gurusamy @ Gunasekaran

2. Selladurai@thangavelu

... Petitioners/Accused Rank Not Known

Vs

The State rep. by
The Sub Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District
Cr No.216/2020.

... Respondent

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

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

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

PRAYER :-

For Anticipatory Bail in Crime no.216 of 2020 on the file of the respondent police.

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 are figured as accused in Crime No.216 of 2020 registered on the file of the respondent police for the offences punishable under Sections 420, 294(b) and 506(i) I.P.C, seek anticipatory bail.

3.The accused are said to have induced the defacto complainant to pay certain sum of rupees with promise that they will arrange huge loan. The amount paid by the defacto complainant has since been recovered from the main accused.



4.The petitioners applied for anticipatory bail before this Court on 06.06.2020, but then they were arrested. Therefore, the petitioners' counsel requested me to convert this Criminal Original Petition into bail petition.

5.The petitioners are presently housed in Sub Jail, Thiruppathur, Sivagangai District. As much as the amount involved has been recovered, I am of the view that the incarceration of the petitioners is also not warranted.

6.Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall be released on own bond by the concerned Magistrate without insisting on sureties. However, the petitioners are directed to 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 learned Judicial Magistrate, Devakottai Sivagangai District, after the concerned Court is reopened on regular basis.

[ii] the petitioners shall report before the respondent police for interrogation, as and when required.

[iii] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[iv] the petitioners shall not abscond either during investigation or trial.

[v] On breach of any of the aforesaid conditions, the learned 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 Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
12/06/2020

/ TRUE COPY /

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purpose, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
- 2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE
SIVAGANGA DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT
- 4 THE OFFICER INCHARGE
SUB JAIL,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5823 of 2020
Date :12/06/2020

PD/VR/SAR 2/16.06.2020/3P/6C