



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . Nos.7429 & 7459 of 2020

- | | |
|-------------------------------|--|
| 1. Jayakumar | ... Petitioner/Accused No.1
in CrI.O.P(MD)No.7429 of 2020 |
| 2. Mayandi @ Sandiyar Mayandi | ... Petitioner/Accused No.2
in CrI.O.P(MD)No.7459 of 2020 |

Vs

The State rep. by
The Sub Inspector of Police,
Gudalur North Police Station,
Theni District.
Crime No. 659 of 2020.

... Respondent/Complainant
in both the petitions

For Petitioner : M/s.S.Muniyandi,
(in CrI.O.P(MD)No.7429/2020) Advocate.

For Petitioner : M/s.J.Jaya Aron Raja,
(in CrI.O.P(MD)No.7459/2020) Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
(in both the petitions) Government Advocate (Criminal Side)

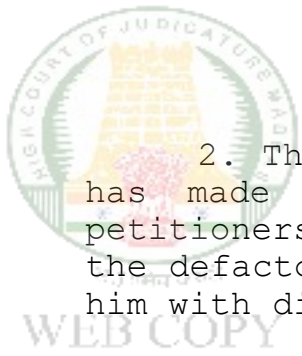
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 659 of 2020 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 294(b), 324, 506(ii) and 379 NH of I.P.C., in Crime No. 659 of 2020 on the file of the respondent police, seek anticipatory



2. The case of the prosecution is that the defacto complainant has made a call to the petitioner/A-1's daughter, hence, the petitioners along with other accused persons said to have attacked the defacto complainant and taken his cell phone and also threatened him with dire consequences. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the occurrence was took place on 07.06.2020 and the case was registered only on 07.07.2020. He would further submit that there is a dispute between the parties, the defacto complainant has lodged a complainant against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (criminal side) would submit that the cell phone of the defacto complainant was handed over to the respondent police.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners have handed over the cell phone to the respondent police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate, Uthamapalayam, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioners shall report before the respondent police an and when required for interrogation.

[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].



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

sd/-
23/07/2020

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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 purposes, 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,
UTHAMAPALAYAM.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7429 &7459 of 2020
Date :23/07/2020

KSA
SRS/ PN/ SAR-III/ 27.07.2020/ 3P/5C