



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10701 of 2020

1. Buvaneshwaran @ Buvan
2. Asarudeen

... Petitioners/Accused No.3&4

Vs

The State rep. by
The Inspector of Police,
Anna Nagar Police Station,
Madurai Distrct.
Crime No.1600 of 2020.

... Respondent/Complainant

For Petitioners: Mr.V.Chandrapandi,
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.1600 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 392, 397 and 506(ii) of IPC, in Crime No.1600 of 2020 on the file of the respondent Police, seek anticipatory bail.

2. There are totally four accused in this case and the petitioners herein are arrayed as A3 and A4. The case of the prosecution is that there are two groups of rowdy elements and the petitioners belong to one group. On the date of occurrence all the accused persons went to the house of the defacto complainant who is a father of a member of the rival group with weapons and criminally intimidated him. So far as these petitioners are concerned, they have stolen a sum of Rs.240/- from the house of the defacto complainant.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and due to previous enmity a false case has been foisted against them. He further submitted that A1 and A2 have already been arrested and released on bail by the Court below. He further submitted that no previous case is pending against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that there are two groups of rowdy elements and the petitioners belongs to one rival group. On the date of occurrence all the accused persons went house of the defacto complainant with weapons and criminally intimidated him. Sofaras these petitioners are concerned, they have stolen a sum of Rs.240/- from the house of the defacto complainant. He further submitted that A1 and A2 have already been arrested and released on bail by the Court below.

5.This is the second application. Considering the facts and circumstances of the case and also the allegations levelled against the petitioners that they have stolen money from the defacto complainant and there is no other allegation against them and A1 and A2 have already been arrested and released on bail by the Court below, considering the above circumstances, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.VI, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

(d)the petitioners 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 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;

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

sd/-
01/10/2020

/ 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 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 NO.VI,
MADURAI, MADURAI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10701 of 2020
Date : 01/10/2020

VSG
SRS/ AKM/ SAR-III/ 07.10.2020/ 3P/5C