



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10664 of 2020

1. M.P.Uthayakumar
2. C.Pragalathan

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
K.K.Nagar Police Station,
Trichy District.
Cr.No. 833 of 2020.

... Respondent/Complainant

For Petitioners : M/s.S.Poornachandran,
Advocate.

For Respondent : Mr.K.R.Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.833 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 427 and 506(i) IPC in Crime No.833 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have damaged the fence wall of the defacto complainant, worth about Rs.75,000/- and when the same was questioned by the defacto complainant, the petitioners herein abused the defacto complainant. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that anticipatory bail may be granted by putting the petitioners on terms.

6.Considering the facts and circumstances of the case and considering the submission of the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners subject to the condition that the petitioner jointly pay a sum of Rs.75,000/- directly to the defacto complainant and the receipt of such payment shall produce before the concerned Magistrate.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate II, Trichy and on their executing 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 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 are directed to jointly pay a sum of Rs.75,000/- directly to the defacto complainant.

(c)petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

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

(f)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;



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

sd/-
06/10/2020

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

ORDER
IN
CRL OP(MD) No.10664 of 2020
Date :06/10/2020

GNS
SRS/ SMA/SAR-II/ 09.10.2020/ 3P/5C