



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/10/2020

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PRESENT

The Hon'ble Mr.Justice G.R.Swaminathan

CRL OP(MD) . No.10944 of 2020
and
CRL.MP(MD) .No.5318 of 2020

1. Sanjeevi
2. Immanuvel

... Petitioners/Accused 1 and 2

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Dindigul District
Crime No. 27 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.N.Arunkumar,
Advocate.

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

For Intervener : Ms.AL.Ganthimathi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2019 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 apprehending arrest at the hands of the
respondent police for the offences punishable under sections 120(b),
406, 420 and 506(i) of I.P.C., in Crime No.27 of 2019 on the file of
the respondent police, seek anticipatory bail.



3. The learned counsel for the petitioners seeks leave to withdraw this Criminal Original Petition as regards the first petitioner Sanjeevi. Therefore, this Criminal Original Petition is dismissed as withdrawn as far as the first petitioner is concerned.

4. The second petitioner Immanuvel is the son of the first petitioner. The matter was being adjourned from time to time and the petition was originally listed on 09.11.2020. In the meanwhile, the petitioners were arrested and remanded to judicial custody. Therefore, I convert this anticipatory bail petition into one of bail petition.

5. Since, I am not inclined to consider the petition for anticipatory bail of the first petitioner on account of the allegations made against him, the learned counsel for the petitioners has chosen to withdraw the petition as far as the first petitioner is concerned.

6. I had granted anticipatory bail to the other members of the family. There are no serious allegations against the second petitioner also. A sum of money was remitted at the bank account of the second petitioner. I make it clear that the bail petition of the first petitioner also will be taken up for consideration only after the first petitioner is put on terms and not otherwise.

7. Taking note of the circumstances of this case, I am inclined to grant bail to the second petitioner with certain conditions. This Court is inclined to grant bail to the second petitioner subject to the following conditions:

8. The second petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Dindigul.

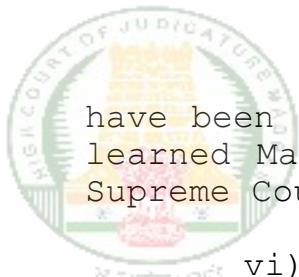
i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the second petitioner shall appear before the respondent police or the concerned Court as and when required.

iii) the second petitioner shall not tamper with evidence or witness.

iv) the second petitioner shall not abscond during trial.

v) 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 second petitioner 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].

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

9.Connected Miscellaneous Petition is closed.

sd/-
28/10/2020

/ 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.II.
DINDIGUL.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, VEDASANDUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10944 of 2020
Date :28/10/2020

PNN
JM/VR/SAR III/28.10.2020/3P/6C