



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2020

PRESENT

The Hon`ble **Mr.Justice S.M.SUBRAMANIAM**

CRL OP(MD) . No.12587 of 2020

1. Uthirakumar
2. Suppammal
3. Ramesh

... Petitioners/Accused 1 to 3

Vs

The State Rep.by
The Inspector of Police,
Taluk Police Station,
Thirumangalam Taluk,
Madurai District.
(Crime No. 1462 of 2020)

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,
Advocate.

For Respondent : Ms.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.1462 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who arrayed as accused Nos.1 to 3 apprehending arrest at the hands of the respondent police for the offence punishable under section 294(b), 323, 355, 448, 506(i) and 379 IPC (NP) r/w Section 4 of Tamil Nadu Prevention of Women Harassment Act, in Crime No.1462 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The counter case is registered against the defacto complainant. The defacto complainant and the petitioner are neighbors and the allegation is that the bricks kept by the defacto complainant were stolen by the petitioners.



3. In view of the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioners shall 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 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 whenever their presence are 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 petitioner in accordance with law as if the conditions have been imposed and the 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]; and;

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

sd/-

09/11/2020

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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,
THIRUMANGALAM.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
THIRUMANGALAM TALUK, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12587 of 2020
Date :09/11/2020

RMK
AE/JC/SAR-III (11.11.2020) 3P 5C