



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13899 of 2020

1. Chellamuthu
2. Irulayee

... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No. 1924 of 2020.

... Respondent/Complainant

For Petitioners : M/s.P.Senguttuarasan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1924 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 323 and 307 of IPC seek anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioners would submit that
this is the second anticipatory bail petitioner and this Court by
an order dated 27.08.2020 in Crl.O.P(MD) NO. 9017 of 2017 granted
anticipatory bail to the petitioner and thereafter due to pandemic
situation and also the second petitioner affected with Covid-19
they are unable to produce sureties. Thereafter the petitioners have



moved extension petition before this Court and the same was extended till 06.10.2020 and only after the time expired the second petitioner recovered from Corona, hence he could not able to produce sureties.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/12/2020

/ 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, THENI.
- 2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13899 of 2020
Date :03/12/2020

AAV
AE/AKM/SAR-II (08.12.2020) 3P / 5C