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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18515 of 2021

1 P.THANGAVEL [PETITIONERS / ACCUSED]
2 JAYALAKSHMI
3 SHANMUGAPRIYA
4 AMUTHAKUMARI

Vs

THE STATE OF TAMIL NADU REP. [RESPONDENT]
BY, THE INSPECTOR OF POLICE,
SINGANALLUR POLICE STATION,
COIMBATORE CITY,
COIMBATORE.
CRIME NO.778 OF 2021.

For Petitioner : M/S. I.ABRAR MD ABDULLAH Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 457, 380, 147, 294(b) & 506(2) of the Indian Penal Code, 1860 in Cr.No.778 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A-1, defacto complainant and other one person are directors of the gym products company, “S and T welfare Equipments Private Limited” and the petitioner/A-1 is the director and also owner of the property, however the petitioners broke open the building and taken away Rs.54,00,000/- gym products. Thereby, one of the director/defacto complainant lodged a complaint before the law enforcing agency. Hence, the law enforcing agency registered a case against the petitioners.

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3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioner/A-1 is the director and owner of the building and the very same issue was already pending before the Court below in O.S.No.369 of 2021. Accordingly, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the petitioners without authorisation and consent of other directors of the company taken away Rs.54,00,000/-. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that the petitioners and the other director/defacto complainant filed a suit in O.S.No.369 of 2021 and the same is pending before the Court below and there being a civil dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate III, Coimbatore, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner/A-1 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 and the petitioners/A-2, A-3 and A-4 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;

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(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/-
04/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SINGANALLUR POLICE STATION,
COIMBATORE CITY, COIMBATORE.

+1 CC to M/S. I.ABRAR MD ABDULLAH Advocate on payment of necessary charges SR.NO.10950

CRL OP.18515/2021

Date :04/10/2021

RW 12/10/2021

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