



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.626 of 2021

1. Kannan
2. Gnanamoni Sahayam Paul
3. Perumal
4. Karuppasamy
5. Edison

... Petitioners/Accused No.1 to 5

Vs

The State Rep.by,
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.13/2021).

... Respondent/Complainant

For Petitioner : Mr.S.M.Mohan Gandhi,
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.13/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 384 and 506(i) IPC, in Crime No.13 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have threatened and collected a sum of Rs.100/- from the people, who received the amount of Rs.2,500/- given by the Government of Tamil Nadu for the Pongal Festival through the Ration Shops. Hence, the present complaint has been lodged.



3.The learned counsel for the petitioners would submit that petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners have extracted the amount from the poor people, who received amount through Ration Shops. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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] Each of the petitioners shall draw a demand draft in favour of Dean, Government Rajaji Hospital, Madurai for a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)** without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of Demand Draft to Dean while executing sureties.

[b] On acknowledgment of the same by the Dean, Government Rajaji Hospital, Madurai, each of the petitioners shall execute a bond as stated above.

(c)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;

(d)the petitioners shall report before the respondent police as and when required for interrogation.

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

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

(g)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



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

sd/-
20/01/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

COPY TO : THE DEAN, GOVERNMENT RAJAJI HOSPITAL, MADURAI

+1. CC to MR.S.M.MOHAN GANDHI, Advocate SR.No.358

ORDER
IN
CRL OP(MD) No.626 of 2021
Date :20/01/2021

TRP
PK/SMA/SAR-III/27.01.2021 : 3P/7C