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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.2045 of 2021

1. Sugantha Raja Thangapandian
2. Richi Logeswaran
3. Muthukumar
4. Ranjith Raja Singh
5. Guru

... Petitioners/A1,3,4,7&11

Vs

The State Rep. by
The Inspector of Police,
Tattarmadam Police Station,
Tuticorin District.
Crime No. 01 of 2021

... Respondent

For Petitioners : Mr.Pradeep Dhinasekaran,
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.01 of 2021 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 147, 148, 448, 294(b), 427 and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.1 of 2021 on the file of the respondent police, seek anticipatory bail.



3. The learned counsel for the petitioners contended that there is an earlier dispute between defacto complainant and the petitioners regarding church election. The first petitioner was elected as Secretary and other petitioners supported the first petitioner. The defacto complainant and her sister were not successful in the election. Due to this motive, the petitioners have been falsely implicated in this case. For the occurrence which had taken place on 31.12.2020, a case in Crime No.269 of 2020 was registered and investigated and recovery was also made. The defacto complainant lodged this complaint for the very same set of facts.

4. The learned Government Advocate (Crl. Side) submitted that the interrogation of the petitioners are warranted in this case. Hence, he opposed for grant of anticipatory bail.

5. In the view of the above, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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**



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

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sd/-
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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, SATHANKULAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
TATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO Mr.PRADEEP DHINASEKARAN, ADVOCATE IN SR No. 943

ORDER
IN
CRL OP(MD) No.2045 of 2021
Date :10/02/2021

IAS
TE/PN/SAR-I : 15/02/2021 : 3P/6C