



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

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2125 of 2021

1.Saravanan
2.Ram Bose
3.Manoharan
4.Pakkirisamy
5.Pugazhanthi

... Petitioners/Accused No.1 to 4 and 6

Vs

State Represented by,
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No. 46 of 2019.

... Respondent/Complainant

For Petitioners: Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

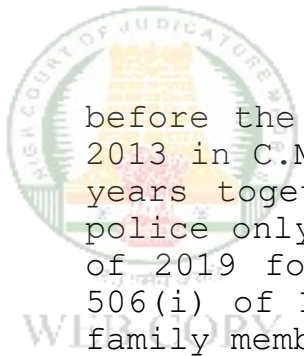
For Anticipatory Bail in Crime No.46 of 2019 on the file of the Respondent Police.

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, 448, 294(b), 420 and 506(i) of I.P.C., in Crime No.46 of 2019 on the file of the respondent police, seek anticipatory bail.

3. It is seen from the materials on records that a private compliant was registered by the defacto complainant herein the



before the learned Judicial Magistrate No.I, Kumbakonam in the year 2013 in C.M.P.No.2211 of 2013. Thereafter, it had been kept pending years together and it was forwarded to the file of the respondent police only on 22.03.2019 and the same was registered in Crime No.46 of 2019 for the offences under Sections 147, 448, 294(b), 420 and 506(i) of I.P.C. It is further seen that the dispute is within the family member and it is a civil dispute.

4.The learned Government Advocate (Crl. Side) submitted that the investigation in this case has been completed and charge sheet is filed against four persons by omitting the offence 420 of I.P.C.

5. Since the crime is of the year 2010 and the complaint is registered on the direction of the learned Magistrate under Section 156(3) of Cr.P.C., I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Kumbakonam, 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/-
05/03/2021

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/ /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.I,
KUMBAKONAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.A.THIRUVADI KUMAR, Advocate SR.No.1914

ORDER
IN
CRL OP(MD) No.2125 of 2021
Date :05/03/2021

IAS
PK/JC/SAR-III/10.03.2021 : 3P/6C