



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

Date : 11/06/2021

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.3837 of 2021

1. Sankar
2. Kasirajan @ Rajesh ... Petitioners/Accused Nos.2 & 3

Vs

State Rep. by
The Inspector of Police,
Pudukottai Police Station,
Tuticorin District.
Crime No.423/2020. ... Respondent/Complainant

For Petitioners : Mr.S.Suresh,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.423 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in Crime No.423 of 2020 on the file of the respondent police, and seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Counsel(Crl.side) for the respondent police.

3.The Defacto Complainant in this case is one Seetha Nachiar. Her husband Mahesh is undergoing life imprisonment. Al-Thangapandian is the brother of Mahesh. The defacto complainant alleged that through ATM of her husband, a sum of Rs.30,00,000/- has been illegally withdrawn and misappropriated.



4.I went through the contents of the FIR. There is no direct material against the petitioners herein. The allegations are also rather vague.

5.The petitioner's counsel would state that there is a serious dispute between the first accused and the husband of the defacto complainant. The petitioners herein are the respective husbands of the sisters of A1. The petitioner's counsel would contend that only to embarrass the entire family, the petitioners have been falsely implicated.

6. Considering the vague nature of allegation and for want of materials, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate No.III, **(*)Tuticorin.** and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only]each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

[d]the petitioners shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/06/2021

(*) AMENDED AS PER THE ORDER OF THIS HON'BLE COURT MADE IN CRL MP(MD) No.5128 of 2021 IN CRL OP(MD) No.3837 of 2021 VIDE ORDER DATED 28.07.2021.

FURTHER TWO WEEKS TIME IS GRANTED TO THE PETITIONERS TO COMPLY WITH THE CONDITIONS IMPOSED BY THIS COURT FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER AS LAST CHANCE.

/ 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

TO BE SUBSTITUTED THE ORDER DATED 11.06.2021 ALREADY DEPARTCHED.

- 1. THE JUDICIAL MAGISTRATE NO.III, (*)TUTICORIN.**
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, (*)TUTICORIN DISTRICT.**
- 3 THE JUDICIAL MAGISTRATE NO.III, PUDUKOTTAI.
- 4.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 5.THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION, TUTICORIN DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDERIN

CRL OP(MD) No.3837 of 2021

Date :11/06/2021

RMI

MS/PN/SAR-2/18.06.2021/3P.6C

MK/JC/SAR-III/10.08.2021/3P/7C

<https://heservices.ecourts.gov.in/hcservices/>