



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4118 of 2021

1. Rajendran
2. Packiyaraj
3. Bharathiraja
4. Yogaraja
5. Kaliasammal

... Petitioners/Accused Nos.1 to 5
-Vs-

State Rep.by
The Inspector of Police,
Embal Police Station,
Pudukkottai District.
Crime No.140/2020.

... Respondent/Complainant

For Petitioners: Mr.R.Sevugaraja,
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.140 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the second anticipatory bail application. The first petitioner is not arrayed as an accused in this case and hence, this petition is dismissed as against the first petitioner.

2.The petitioners 2 to 5/A2, A3, A4 and A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC and Section 4 of Women Harassment Act.

3.The petitioners' earlier petition in CrI.O.P.(MD) No.9637 of 2020 was granted by this Court on 11.09.2020 on condition that the petitioners 2 to 5 shall surrender before the learned Judicial Magistrate, Aranthangi, Pudukkottai District within a period of fifteen days. During the total lock down period, they could not appear before the concerned Court and produce the



sureties. Hence, the petitioners filed a present petition before this Court seeking anticipatory bail.

4.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

5.Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, Pudukkottai District, on condition that the petitioners 2 to 5 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties (common 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 2 to 5 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 2 to 5 shall report before the respondent police as and when required for interrogation.

(d)the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 2 to 5 shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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;

(g)if the accused / petitioners 2 to 5 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/03/2021

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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.

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TO

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
EMBAL POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4118 of 2021

Date :17/03/2021

SJI

MS/VR/SAR-3/23.03.2021/3P.5C