



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : **28/04/2021**

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PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.5419 of 2021

1. Ponraj
2. Auto Sakthi @ Sakthivel
3. Ganesan
4. Nagaraj
5. Lingaraj
6. Chinnadurai

... Petitioners/Accused No.1 to 6

Vs

State Rep. by
The Sub Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
Crime No.208 of 2018.

... Respondent/Complainant

For Petitioner : Mr.Pon Karthikeyan.R,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.208 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 324 and 379 of IPC in Crime No.208 of 2018 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any

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offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

4.The learned Government Advocate (criminal side), on instructions, opposes this petition.

5.It is seen from the submissions made that in a property dispute, the petitioners were charged for the alleged offences punishable under Sections 147, 148, 294 (b), 324 and 379 of IPC in Crime No.208 of 2018. Later, the petitioners filed an anticipatory bail petition and this Court granted anticipatory bail to the petitioners on 06.12.2018 in Crl.O.P.(MD)No.21232 of 2018 with stringent conditions. The petitioners could not comply with the conditions within the timeframe fixed by this Court and therefore, the petitioners filed a petition in Crl.O.P.(MD)No.5167 of 2019 for extension of time and the petition was allowed on 05.04.2019. Subsequently, it appears that the petitions have complied with the conditions only for some days and thereafter, they have not complied with the conditions as directed by this Court. The learned Judicial Magistrate, Sathankulam, has cancelled the anticipatory bail order granted by this Court in his order dated 05.01.2021, in Cr.M.P.No.221 of 2020. Challenging the validity of the order, the petitioners filed a Criminal Revision case in Crl.R.C.(MD)No.121 of 2021, before this Court. Taking note of the fact that the anticipatory bail was granted by this Court and also the fact that the petitioners have not complied with the conditions imposed by this Court, the Criminal Revision Case was dismissed on 16.03.2021. Therefore, this petition came to be filed by the petitioners for anticipatory bail.

6.Considering the facts and circumstances of the case, taking note of the fact that the petitioners got anticipatory bail with certain conditions and the petitioners filed extension of time petition for complying the conditions, the petitioners have not complied with the conditions, thereafter, the anticipatory bail order was cancelled and challenging that order, the petitioners filed criminal revision case, which was also dismissed, this Court is of the considered view that the petitioners are not entitled for any kind of indulgence from this Court and therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this petition is dismissed.

sd/-
28/04/2021

/ 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.

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- TO
- 1 THE SUB INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5419 of 2021
Date :28/04/2021

sm
JM/JC/SAR II/21.05.2021/3P/3C