



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5346 of 2021

1. T.S.Anand

2. A.Pravin Kumar

3. Nagalakshmi

... Petitioners/Accused No.1 to 3

Vs

The State rep.by

The Inspector of Police,

Theni Police Station, Theni District.

Cr.No. 268 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Aayiram.K.Selvakumar,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.268 of 2021 on the file of the Respondent Police.

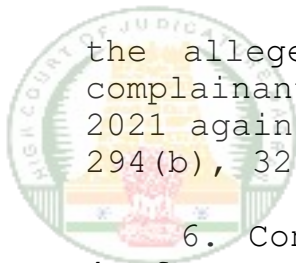
ORDER : The Court made the following order :-

The petitioners/A.2 to A.6 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 I.P.C., and Section 4 of TNPWH, in Cr.No.268 of 2021, on the file of the respondent police seek anticipatory bail.

2. The learned Counsel appearing for the petitioners submitted that the petitioners are innocent and they did not commit any offence as alleged in the complaint.

3. The learned Government Advocate (Crl.Side) submitted that there is a money dispute between the petitioners and the defacto complainant and the injured has been discharged from the hospital.

4. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the State.



the alleged occurrence, minor injury was caused to the defacto complainant. There is also a counter case filed in Cr.No.269 of 2021 against the defacto complainant for the offences under Sections 294(b), 323 I.P.C., and Section 4 of TNPHW Act.

6. Considering the fact that except the offence under Section 4 of TNPHW Act, other offences are bailable one and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners 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, Theni, 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 1 and 2 shall report before the respondent police daily at 10.00 a.m., until further orders; and the third petitioner 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;

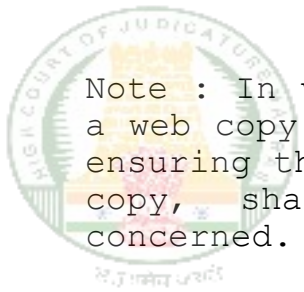
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/04/2021

/ 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.

TO

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

ORDER

IN

CRL OP(MD) No.5346 of 2021

Date :16/04/2021

SMA/PN/SAR-4/20.04.2021 : 3P/5C