



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . Nos.5439, 5441 and 5430 of 2021

1. Alagarsamy
2. A.Sugapriya
3. Magudeeswaran

..Petitioners/Accused No.1 to 3
in Crl.O.P.(MD)No.5439 of 2021

1. Alagarsamy
2. A.Sugapriya
3. Poomani

..Petitioners/Accused 1 to 3
in Crl.O.P.(MD)No.5441 of 2021

1. Poomani
2. A.Sugapriya
3. Alagarsamy
4. Magudeeswaran

..Petitioners/Accused 1 to 4
in Crl.O.P.(MD)No.5430 of 2021

Vs

State rep.by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.

... Respondent/Complainant
in all Crl.OPs

Crime No.526/2020
Crime No.109/2019
Crime No.94/2021

in Crl.O.P.(MD)No.5439 of 2021
in Crl.O.P.(MD)No.5441 of 2021
in Crl.O.P.(MD)No.5430 of 2021

For Petitioners: Mr.N.Balasubramanian,
Advocate. (in all Crl OPs)

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)
(in all Crl OPs)



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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.526/2020, 109/2019 & 94/2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294 (b), 323 and 506(i) of IPC in Crime No.526 of 2020, Sections 294 (b), 324 and 506 (i) of IPC in Crime No.109 of 2019 and Sections 294 (b), 323 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.94 of 2021 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.It is seen from the submissions made that these petitioners have three cases pending. Defacto complainant in these cases are different individuals. The allegation against the petitioners in Crime No.526 of 2020 is that the defacto complainant's Uncle borrowed a sum of Rs.3,00,000/- from one Ramaraj and executed a promissory note. After demise of his Uncle, the said Ramaraj demanded Rs.7,00,000/- from the defacto complainant in Jan, 2020. When the defacto complainant told him that the borrowal money is only Rs.3,00,000/-, how could he claim Rs.7,00,000/-. The said Ramaraj informed him to come to office of one Advocate Sugapriya. There, the defacto complainant was intimated to pay Rs.7,00,000/-, else, he would sell his Garden. On 03.06.2020, at about 08.00 p.m., the defacto complainant and one Rahul Kannan had gone to visit Garden, the petitioners picked up a quarrel with the defacto complainant and attacked him. As a result of which, the defacto complainant suffered injuries. Therefore, this case came to be registered in Crime No.526 of 2020.

4.The allegation against the petitioners in Crime No.109 of 2019 is that on 29.04.2019, at about 06.50 p.m., when the defacto complainant was collecting the tender amount, the accused scolded him in filthy language, attacked him and criminally intimidated him. Due to which, the defacto complainant suffered injury. Therefore, this case came to be registered in Crime No.109 of 2019.

5.The allegation against the petitioners in Crime No.94 of 2021 is that on 31.03.2021, at about 9.30 p.m., when the defacto complainant was in her house, the accused came there looking for her



husband and when she said that her husband is not there, the accused had abused and beaten her. Therefore, this case came to be registered in Crime No.94 of 2021.

6.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

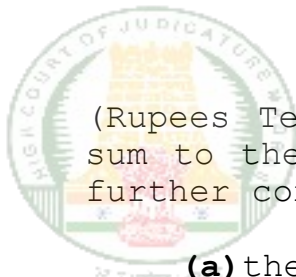
7.The learned counsel for the petitioners submitted that the second petitioner in all the three cases namely Sugapriya is an Advocate. Due to professional rivalry, another Advocate had instigated the defacto complainant to give a false complaint against the accused in all the three cases. He also submitted that the second petitioner, namely Sugapriya is going to get married on 17.05.2021. Therefore, he seeks anticipatory bail to the petitioners.

8.The learned Government Advocate (criminal side), on instructions, submitted that first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy, is a history sheeter and he has eleven previous cases pending against him.

9.Taking note of the fact that the first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy, has eleven previous cases pending against him, this Court is not inclined to grant anticipatory bail to the accused, Alagarsamy. Accordingly, this petition is dismissed as against the the first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy.

10.Considering the facts and circumstances of the case and the fact that the second petitioner in all the three cases namely Sugapriya is to get married on 17.05.2021 and other petitioners did not have any previous cases pending, this Court is inclined to grant anticipatory bail to the petitioners, except the first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy, with certain conditions.

11.Accordingly, the petitioners, except the first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy, are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Palani, Dindigul District, and on their executing 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners, except the first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy, 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 cards or Bank pass Books to ensure their identity;

(b) the petitioners, except the first petitioner in Crl.O.P.(MD) Nos.5439 and 5441 of 2021 and third petitioner in Crl.O.P.(MD) No.5430 of 2021, namely, Alagarsamy, shall report before the respondent police, daily, at 10.30 a.m., until further orders;

(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/04/2021

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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,
PALANI, DINDIGUL DISTRICT.

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



2.-DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) Nos. 5439, 5441 and 5430 of 2021

Date : 27/04/2021

SM

AE/JC/SAR-II/21.05.2021/5P/5C