



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

Date : 26/04/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5910 of 2021

1.Aravindh
2.Sathish Kumar
3.Nithis

... Petitioners/Accused Rank Not Known

Vs

State Rep. by
The Inspector of Police,
Emaneshwaram Police Station,
Ramanahthapuram District
Crime No.42/201.

... Respondent/Complainant

For Petitioner : Mr.Sathish Kumar.K.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.42 of 2021 on the
file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 294(b), 323, 324, 379(NH) and 506(ii) IPC and Section 4 of
the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime
No.42 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to a post in the
facebook by the defacto complainant, on 18.02.2021 at about 7.30
pm., the accused said to have criminally trespassed into the house
of the defacto complainant and attacked him with aruval and stick
and also stolen three sovereigns of gold jewels. Hence, the
complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they did not commit any offence
as alleged by the prosecution. He further submitted that A1 & A2 in
this case were granted anticipatory bail by this Court in Crl.O.P.
(MD)No.2816 of 2021, dated 05.03.2021. Therefore, he seeks
anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person has been discharged from the hospital.

5.Considering the nature of the offence and the fact that the injured person has been discharged from the hospital and also the fact that co-accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi on condition that the petitioner 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 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 shall report before respondent police daily at 10.30 am., 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/04/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
EMANESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-3424[I] dated 27/04/2021)

ORDER
IN
CRL OP(MD) No.5910 of 2021
Date :26/04/2021

GNS
JM/SKN/SAR IV/05.05.2021/3P/6C