



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/06/2021

PRESENT

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

CRL OP (MD) Nos.5929 and 5939 of 2021

1. Kamesh @ Kameshwaran

2. Mohammed Raja @ Raja Mohamed

... Petitioners/Accused No.3&4  
in Crl.O.P.(MD)No.5929 of 2021

Kavitha

... Petitioner/Accused No.2  
in Crl.O.P.(MD)No.5939 of 2021

**Vs**

The State Rep. by  
The Inspector of Police,  
Thirupuvanam Police Station,  
Sivagangai District.  
Crime No. 145/2021.

... Respondent/Complainant  
in both petitions

For Petitioners : Mr.Haroon Rasheed.D.S.,  
(in both petitions) Advocate.  
For Respondent : Mr.M.Muthumanikkam,  
(in both petitions) Government Advocate (Crl.Side)

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

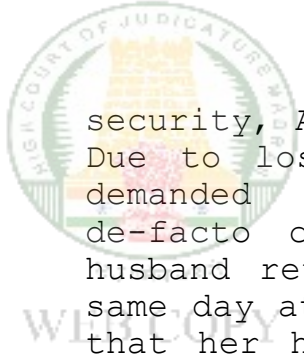
**COMMON PRAYER :-**

For Anticipatory Bail in Crime No.145 of 2021 on the file of the respondent Police.

**COMMON ORDER :** The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 341, 324, 506(ii) and 109 of IPC in Crime No.145 of 2021 respectively on the file of the respondent police, seek anticipatory bail.

2.The allegation made in the First Information Report that the de-facto complainant's husband and the accused 1 and 2 were involved in share market finance. It is alleged that the de-facto complainant's husband invested an amount of Rs.1 ½ Crores and as a



security, A2 is said to have given a property document in her name. Due to loss suffered in the share market business, A-1 and A-2 demanded the property document from the husband of the de-facto complainant. On 19.4.2021, the de-facto complainant's husband returned the property document to A-2(Kavitha) and on the same day at about 07.30 p.m., the de-facto complainant was informed that her husband was found injured near Prasath Car shed, Bhakya Nagar. She went there along with her brother and others and found her husband with injuries on head and all over the body. When enquired, he informed that at the instigation of A-1 and A-2, one Kamesh and Mohammed Raja attacked him with wooden log and iron rod. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed this petition on the ground that investigation in this case is not completed. He fairly conceded that the injured person was already discharged from the hospital.

5.Taking note of the facts and circumstances of the case and the fact that the de-facto complainant's husband was said to have attacked in connection with the alleged return of document and that the injured persons was already discharged from the hospital and also the fact that the material part of the investigation in this case is over, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruppuvanam, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, 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 said Magistrate 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 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]**;

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

sd/-  
15/06/2021

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

ORDER IN  
CRL OP(MD)Nos.5929 & 5939 of 2021  
Date :15/06/2021

SJI  
TE/JC/SAR-II : 21/06/2021 : 3P/5C