



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

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6833 of 2021

1. Kalidoss
2. K.Latha
3. K.Arunkumar
4. M.Aarthi
5. R.Muthu

... Petitioners/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar.
Crime No.Not known of 2021

... Respondent/Complainant

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

For Respondent : Mr.M.Muthu Manickam
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.Not known 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 offences punishable under Sections 147,
294(b), 323 and 506(ii) of IPC, in C.S.R.No.21 of 2021 on the file
of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to money dispute the
petitioners said to have approached the defacto complainant and
demanded the loan amount, thereafter, the petitioners abused the
defacto complainant in filthy language and also threatened the
defacto complainant with dire consequences. Hence, this case has
been registered.



4.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.

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5.The learned Government Advocate (criminal side), on instructions, submitted that the defacto complainant borrowed loan from the accused persons due to which they approached the defacto complainant and demanded the loan amount and abused him in filthy language and also threatened the defacto complainant with dire consequences. He would further submits that the first petitioner has 11 previous case. Hence, he vehemently opposed the grant of Anticipatory Bail to the petitioners.

6. In view of the previous antecedents of the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. **Accordingly, the petition is dismissed insofar as the first petitioner/A1 is concerned..** Insofar as the petitioners 2 to 5 are concerned, **this Court is inclined to grant anticipatory bail to the petitioners 2 to 5** subject to the following conditions.

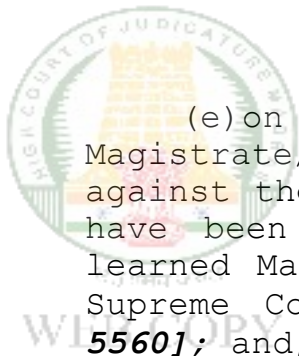
7.Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent Police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, No.II, Virudhunagar, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand Only] each with two sureties for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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 2 to 5 shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(c)the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 to 5 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/05/2021

/ 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 NO.II, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-3712[I] dated 20/05/2021)

ORDER
IN
CRL OP(MD) No.6833 of 2021
Date :19/05/2021

KMM
MS/PN/SAR-3/25.05.2021/3P.6C