



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.6917 of 2021

1. G.Ganesh Prabhu
2. T.Venkateswaran
3. K.Manikandan
4. K.Harish
5. Chandru
6. M.Arun
7. V.Sivanesh
8. S.Yuvaraj

... Petitioners/Accused No.1 to 8

Vs

State Rep.by
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
Crime No.50 of 2021.

... Respondent/Complainant

For Petitioners : Mr.R.Anand
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

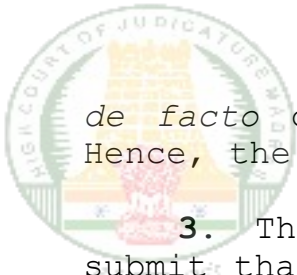
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.50 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, 448, 323, 506(i) and 379 (NH) of I.P.C., and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.50 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the petitioners is that on 11.05.2021 at about 08.00 p.m., the petitioners herein barged into the house of the de facto complainant and assaulted the de facto complainant and her family members. It is further alleged that during the course of such attack, her gold chain was found to be missing and according to the



de facto complainant, the petitioners might have taken the same. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and due to the previous enmity between the petitioners and the *de facto* complainant, they have been falsely implicated in the present case and hence, they seek anticipatory bail.

4. Heard the learned Additional Public Prosecutor appearing for the respondent Police.

5. Considering the facts and circumstances of the case, since the elopement of Sivanesan with the daughter of the *de facto* complainant was not like, the occurrence said to have taken place. this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. Accordingly, the petitioners 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 common sureties for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Singampunari, Sivagangai District and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two common 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 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 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 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,
SINGAMPUNARI, SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
S.S.KOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6917 of 2021

Date :19/05/2021

TSG/TM

MS/PN/SAR-3/25.05.2021/3P.5C