



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

Date : 26/05/2021

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7002 of 2021

1. Madhan @ Madhanraj
2. Chandrasekar
3. Gnanasambandham
4. Selvakumar

... Petitioners/Accused No.1 - 4

Vs

State Rep. by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
Crime No.296/2021.

... Respondent/Complainant

For Petitioners : Mr.Lenin Kumar.T,
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.296 of 2021, on the file of the respondent Police.

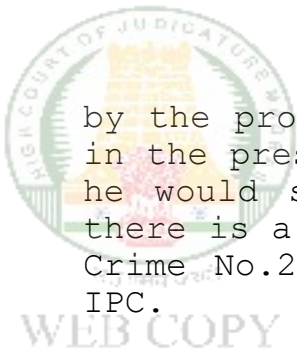
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 342 and 506(i) of IPC in Crime No.296 of 2021, on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on 28.04.2021,when the defacto complainant went to the petitioners' forest office, Trichy, for an enquiry with regard to the alleged theft of Karuvelam trees in Reddimangudi Tank, the officials detained the defacto complainant throughout the night and assaulted the complainant and produced him before the respondent Police. Hence, this case has been registered.

4.The learned counsel for the petitioners would submit that the petitioners are the officials of the Forest Department and they are



by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail. Further, he would submit that on the complaint lodged by the petitioners, there is a case in counter pending before the same police station in Crime No.297 of 2021 for the alleged offence under Section 379 of IPC.

5.The learned Additional Public Prosecutor, on instructions, would submit that the injured person was discharged from the hospital.

6.Considering the fact that the injured person was discharged from the hospital and that except Section 506(i) I.P.C, the other offences are bailable offences and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioners at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.The petitioners shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate, Aranthangi, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Aranthangi 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 report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d]the petitioners shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2021

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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, ARANTHANGI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIRUGANUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3756[I] dated 27/05/2021)

ORDER
IN
CRL OP(MD) No.7002 of 2021
Date :26/05/2021

PKN
JM/VR/SAR IV/31.05.2021/3P/6C