



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

Date : 18/06/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7700 of 2021

1. Jeyaganapathy
2. Kumaresan

... Petitioners/
Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No. 177 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Kameswaran, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Criminal Side)

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

PRAYER :- For Anticipatory Bail in Crime No.177 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448,294(b), 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.177 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity on 28.05.2021 at about 10.30 a.m., the petitioners along with other accused trespassed into the house of the defacto complainant abused him in filthy language and by wielding aruval criminally intimidated him. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that a counter case has been registered in Crime No.180 of 2021 for the offences under Sections 294(b), 323 and 506(i) of IPC based on the complaint given by the first petitioner , hence he seeks anticipatory bail.

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that

<https://hcservices.ecourts.gov.in/hcservices/>



investigation is pending. However he fairly conceded that no one sustained injuries in the said occurrence.

5. Taking into consideration the facts and circumstances of the case and the fact that no one sustained injuries in the said occurrence and also the fact that except Section 4 of TNPHW Act all other offences are bailable, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai District on condition that the petitioners 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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/06/2021

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

ORDER
IN
CRL OP(MD) No.7700 of 2021
Date :18/06/2021

AAV
SRS/AKM/SAR-II/23.06.2021/3P/5C