



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8176 of 2021

Saravanan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.187/2021.

... Respondent/Complainant

For Petitioner : M/s.D.Saranya,
Advocate.

For Respondent : Mr.M.Muthumanickam,
Government Advocate (Crl.Side)

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

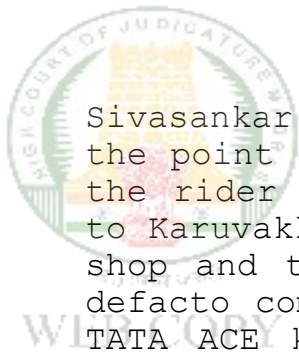
PRAYER :-

For Anticipatory Bail in Crime No.187 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 341, 294(b), 323, 324, 386, 427 and 506 (2) of IPC, in Crime No.187 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing a Chicken business with the help of TATA ACE bearing registration No.TN30 BZ 1795. On 23.03.2021 at about 2.00 P.M, the defacto complainant had gone to hotel for buying food for his brother Murali and his servant Raja. At that time, two persons were standing near SA Annantham Nagar, Pillaiyar Kovil Street. The defacto complainant and one Kumaravel have shops in the same street. Therefore, some business dispute arose between them. One of them namely Kumar stopped the defacto complainant's bike. With regard to the dispute between the defacto complainant and Kumaravel,



Sivasankar approached the defacto complainant and threatened him at the point of knife and forced him to sit in his bullet bike between the rider and the pillion rider. They took the defacto complainant to Karuvakkadu. One Siva Sankar was there and told him to vacate the shop and the said Siva Sankar and one another person attacked the defacto complainant and criminally intimidated him with Aruval. The TATA ACE key was forcibly taken from the defacto complainant and three unknown persons had gone to the defacto complainant shop and taken 150 chickens. A VIVO Cell Phone of the defacto complainant was also forcibly taken and a sum of Rs.4,000/- was taken through Google Pay. Hence, the case came to be registered on the basis of complaint given by the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) strongly opposed this petition on the ground that investigation in this case is not completed.

5.Taking into consideration the facts and circumstances of the case and the fact that the co-accused has already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner 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 petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner 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 petitioner in accordance with law as if the conditions



have been imposed and the petitioner 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.

WEB COPY

sd/-
30/06/2021

/ 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 NO.V,
THANJAVUR DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8176 of 2021
Date :30/06/2021

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AE/JC/SAR-III/07.07.2021/3P/5C