



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

Date : 24/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8200 of 2021

1.Karuppasamy @ Kannan
2.Essakipandi @ Muthu

... Petitioners/Accused Rank not known

Vs

State rep.by,
The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.
Crime No.284 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Suyambulinga Bharathi,
Advocate.

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

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

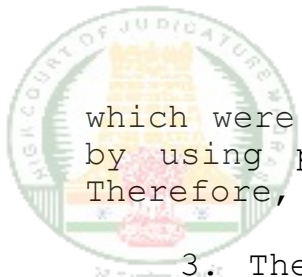
PRAYER :-

For Anticipatory Bail in Crime No.284 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

1. The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 506(ii), 380(NH) and 436 I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Cr.No.284 of 2021, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that there is a previous dispute between the families of the defacto complainant and the petitioners in connection with causing injury to the accused Sundar. Due to that enmity, on 19.06.2021 at about 12.45 p.m., Sundar along with two persons came in a two wheeler bearing Registration No.TN-72-BQ-8992 and were looking for the defacto complainant's son. All of them possessed Aruval. On seeing them, her son escaped through the back door. The accused came inside the house and shouted that they would kill her son. They also tried to attack her and Sundar had taken three sovereigns of gold chain and two gram of gold ring,



which were kept in cub board. They set fire to clothes, Television by using petrol and caused damage to the tune of Rs.10,000/-. Therefore, this case came to be registered.

3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) appearing for the State opposes this petition on the ground that the investigation in this case is not yet completed.

5. Considering the facts of the case, the previous enmity between the parties and now the fact that the first accused was arrested, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) towards Court deposit to the credit of Cr.No.284 of 2021 without prejudice to their defence and only on such deposit the learned Magistrate shall accept the sureties. The learned Judge, at the time of disposal of the case, should pass appropriate orders with regard to the amount deposited under the provision of victim compensation;

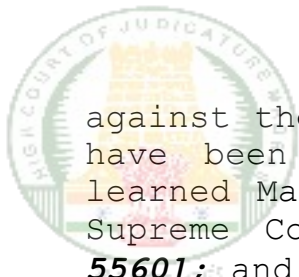
(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/06/2021

/ 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, NANGUNERI,
TIRUNELVELI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3.THE INSPECTOR OF POLICE,
KALAKADU POLICE STATION, TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8200 of 2021
Date :24/06/2021

SSL
PK/PN/SAR-III/29.06.2021 : 3P/5C