



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.8245 of 2021

1. Sundaresan
2. Manoj
3. Ponmuthu @ Dinesh ... Petitioners/Accused No.2 to 4

Vs

State Rep. by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
Crime No.160 of 2021. ... Respondent/Complainant

For Petitioners : Mr.Santhanam Rajesh Kumar.B,
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.160 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 alleged offences punishable under Sections 342, 294(b), 323, 324, 387 and 506(ii) of IPC in Crime No.160 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 22.05.2021, at about 10.00 p.m., the defacto complainant, who is doing kidaimaadu business, provided medicine to his sister-in-law and stayed there. On the very next day, at about 04.30 a.m., when he reached Ayyanar Temple Arch, four persons came in a car bearing Registration No.TN-59-P-7377, waylaid him, scolded him in filthy language and were attacking him with stick repeatedly and also demanded Rs.50,000/- from him. For saving his life, he asked one Vasanthi to bring Rs.50,000/-. On receiving the amount, the accused threatened him not to tell this anybody and let him off. Therefore, this case came to



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners will abide by any condition imposed by this Court and that the first accused was arrested and released on bail.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.Considering the facts and circumstances of the case and taking note of the submission of the learned counsel for the petitioners that the petitioners are ready to abide by any condition imposed by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

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, Melur, Madurai 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 conditions 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 are jointly directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.160 of 2021 before the learned Judicial Magistrate, Melur, Madurai District, within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[c]the petitioner shall report before respondent police daily, at 10.30 am., until further orders;

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

[e]the petitioner shall not abscond either during investigation or trial;

[f]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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7.The Trial Court is directed to pass appropriate orders at the conclusion of trial including disbursal of this amount to the victim under the provisions of victim compensation.

sd/-
24/06/2021

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

ORDER
IN
CRL OP(MD) No.8245 of 2021
Date :24/06/2021

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