



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

Date : 30/06/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8579 of 2021

1. Gurusamy
 2. Manickam
 3. Jothi @ Jothiraja
 4. Vallarasu
 5. Maheswari
 6. Muniyammal @ Munieswari
- ... Petitioners/Accused Nos.1 to 6

Vs

State Rep. by
The Inspector of Police,
Kamuthi Police Station, Kamuthi,
Ramanathapuram District.
Crime No.533/2021.

... Respondent/Complainant

For Petitioners : Mr.Arunraj.K.,
Advocate.

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

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

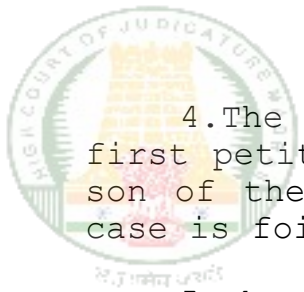
PRAYER :- For Anticipatory Bail in Crime No.533 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 448, 427, 294(b) and 506(ii) of I.P.C., in Crime No.533 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that one John was in love with Gurudevi, who is the daughter of the first accused. John had taken Gurudevi along with him. Due to this issue, on 24.06.2021 at about 06.30 pm., the accused had come to the house of the house of the defacto complainant and damaged the door and window. They also criminally intimidated the defacto complainant and his family. Therefore, the present complaint came to be registered.



4.The learned counsel for the petitioners submitted that the first petitioner's daughter was kidnapped by John, who is brother's son of the defacto complainant. Due to that dispute, the present case is foisted against the petitioners.

5.The learned Government Advocate (Crl. Side) opposed this petition on the ground that investigation is not completed.

6.Considering the nature of offence committed by the accused and that no injury is caused to the defacto complainant and his family members, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 District Munsif Cum Judicial Magistrate, Kamuthi 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/-
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.

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- TO
- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
KAMUTHI, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8579 of 2021
Date :30/06/2021

ias
JM/VR/SAR III/02.07.2021/3P/5C