



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

Date : 02/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8713 of 2021

1.Naganathan
2.Rajkumar
3.Pandiyammal

... Petitioners/Accused
No.1,5 and 7

Vs

The State rep.by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
Crime No.274/2021

... Respondent/Complainant

For Petitioners : Mr.M.Ganeshkamu,
Advocate.

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

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

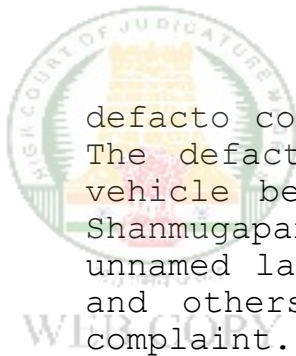
PRAYER :-

For Anticipatory Bail in Crime No.274 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 147, 148, 323, 324, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.274 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 07.06.2021, at about 11.30 am, the defacto complainant's daughter Bharadhinisha had gone to attend online class and she was found missing. In spite of search being made, she could not be located. Then the defacto complainant came to know that her daughter was in the custody of one Advocate Naganathan, at the instance of one Radhakrishnan. The defacto complainant approached Naganathan and asked him, on what basis he kept her daughter in his custody. In response, Naganathan asked the



defacto complainant to come and take her daughter the next morning. The defacto complainant sent her sister and aunt in a Sumo Gold vehicle bearing Registration No.TN 65 V 5681. There, Manikandan, Shanmugapandi, Rajapandi, Ajithkumar, Rajkumar, Selvi and one unnamed lady Advocate had started attacking the defacto complainant and others. As a result, they suffered injuries. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are falsely implicated in this case. Therefore, he seeks anticipatory bail for the petitioners.

4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is still pending. He further submitted that the injured has been discharged from the Hospital.

5.Considering the nature of offence and the fact that the injured has been discharged from the Hospital, 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, Ilayangudi, 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 respondent police daily at 10.30 am., 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/-
02/07/2021

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

ORDER
IN
CRL OP(MD) No.8713 of 2021
Date :02/07/2021

MBI
TK/MNR/SAR.4/06.07.2021/3P/5C