



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8830 of 2021

1. Manikandan
2. Shanmugapandiyan @ Shanmugavelu
3. Ajithkumar

... Petitioners/Accused
No.2 to 4

Vs

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

... Respondent/Complainant

For Petitioners : Mr.Ganeshkamu.M.,
Advocate.

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

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

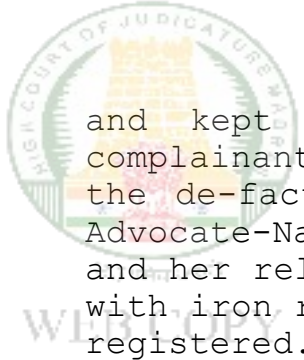
PRAYER :-

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/A2 to A4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 323, 324 and 506(2) of IPC and Section 4 of Prevention of Harassment of Women Act, 2002 in Crime No.274 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.06.2021, the de-facto complainant found her daughter Bharathinisha was missing after 11.30 a.m. On enquiry, she found that her daughter was in the custody of Advocate-Naganathan along with one Radhakrishnan. She approached Naganathan and asked him why he kidnapped her daughter



and kept in his custody. The petitioners asked the de-facto complainant to come and take her daughter on 13.06.2021. Therefore, the de-facto complainant along with her relative had gone to meet Advocate-Naganathan. All of the sudden, the de-facto complainant and her relatives were attacked by the petitioners and other accused with iron rod, stick and wooden log. 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. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) for the respondent submitted that some of the co-accused had already been granted anticipatory bail. He further submitted that the investigation in this case is not completed and the injured was already discharged from the hospital. He further submitted that the petitioners are having one previous case each pending against them.

5.Considering the nature of the offence and the fact that the co-accused had already been granted anticipatory bail, 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, Illayangudi, 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 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

<https://hcservices.ecourts.gov.in/hcservices/>



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/-
06/07/2021

/ 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,
ILLAYANGUDI,
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.8830 of 2021
Date :06/07/2021

SJI
TE/SKN/SAR-III : 09/07/2021 : 3P/5C