



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9463 of 2021

1. Mani
2. Gowsalya
3. Amaravathi
4. Usha

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.300 of 2021)

... Respondent/Complainant

For Petitioners : Mr.S.Muniyandi,
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.300 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 294(b), 323, 324, 379(NP) and 506(ii) IPC in Crime No.300 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and A1 had money transaction. The defacto complainant is not liable to pay any money to him. However A1 picked up fight with him stating that the defacto complainant is liable to pay him. On 09.04.2021, bullet bike of the defacto complainant was missing from the place where he parked the same. He came to know A1 had taken his two wheeler. On 10.04.2021, he came to Police Station for giving complaint and the Police wanted documents of the two wheeler. Therefore, he proceeded to his office to get the documents. At about 12.30 PM, A1 and his accomplices trespassed into his office, scolded him in filthy



language, beaten him and stolen Rs.22,000/- from his pocket and also snatched his gold chain. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

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

5.It is seen from the allegations made in the FIR that there was a dispute between the defacto complainant and A1 in connection with money transaction. Due to the same, the present incident had happened. The defacto complainant had not suffered any injury. Allegation of theft of Rs.22,000/- and snatching of gold chain are not professional in nature. Considering all these facts, 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, Theni, 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders and the petitioners 2 to 4 shall report before the respondent police as and when required.

[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/-

16/07/2021

/ TRUE COPY /

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

ORDER

IN

CRL OP(MD) No.9463 of 2021

Date :16/07/2021

GNS

MK/SRS/SAR.IV/22.07.2021/3P/5C