



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

Date : 23.08.2021

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**
CRL OP(MD). No.10297 of 2021

WEB COPY

1.Rajendra Prasath
2.Rajaram Prasath
3.M.Uma Maheswari

... Petitioners/Accused No.1 to 3

Vs

The State Represented by,
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.811 of 2021).

... Respondent/ Respondent

For Petitioners : Mr.S.Balaji
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.811 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 406, 420, 342, 354, 354A and 506(1) of IPC in Crime No.811 of 2021, seek anticipatory bail.

2.The learned counsel for the petitioners submits that the issue has been amicably settled between the parties and the defacto complainant has also filed an affidavit to that effect.

3. A perusal of the affidavit filed by the defacto complainant/Hemalatha @ Renganayaki shows that she had received International vanity kit from the first petitioner and at present, there is no dispute between the parties. Further, the defacto complainant has stated that she is inclined to withdraw the complaint lodged by her and she has no objection to grant anticipatory bail to the petitioners.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.



5. Considering the affidavit filed by the defacto complainant and that the issue has been amicably settled between the parties, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. 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 Judicial Magistrate No.II, Madurai 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, until further orders.

[c]the petitioners shall not tamper with the 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/-
23/08/2021

/ 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 NO II,
MADURAI.
 - 2.DO THROUGH - THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3.THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.BALAJI S Advocate SR.No.5608

ORDER
IN
CRL OP(MD) No.10297 of 2021
Date :23/08/2021

RK/SKN/SAR-IV (08.09.2021) 3P 6C