



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

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11286 of 2021

WEB COPY

1. Muthupandi,

2. Vikki @ Vijaya Bharath, ... Petitioners/Accused Nos. 1 & 2

Vs

State rep by

The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

Cr.No. 144 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Vellaichamy S,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.144 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
341, 294(b), 323 and 506(1) of IPC in Crime No.144 of 2021, seek
anticipatory bail.

2. The petitioners were granted anticipatory bail by this Court
on 12.03.2021 in Crl.OP(MD)No.3891 of 2021 with a condition to
surrender before the Judicial Magistrate, Nilakkottai within a
stipulated time. However, the petitioners did not surrender before
the Magistrate as ordered by this Court and moved this application.

3. The learned counsel for the petitioners submits that the
first petitioner was affected with Covid-19 and therefore, he could
not surrender as directed by this Court. Since, the time limit
prescribed by this Court has expired, the petitioners have filed
this anticipatory application.



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

5. Considering the fact that the petitioners were already granted anticipatory bail by this Court on 12.03.2021 and that they were not able to abide by the order of this Court due to Covid-19 pandemic situation, 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, Nilakkottai, Dindigul 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 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/-
16/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi



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,
Nilakkottai, Dindigul District.
 2. Do Through
The Chief Judicial Magistrate, Dindigul.
 3. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.VELLAICHAMY, Advocate (SR-5463[I] dated 17/08/2021)

ORDER

IN

CRL OP(MD) No.11286 of 2021

Date : 16/08/2021

TR/JC/SAR-IV (23.08.2021) 3P 6C