



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12207 of 2021

1.P.Manikandan

2.M.Vadivel

3.P.Ramesh Kumar

4.Radhakrishnan

... Petitioners/Accused Nos.1 to 4

Vs

State Rep by
The Inspector of Police,
Eriodu Police Station,
Dindigul.
(Crime No.556/2021)

... Respondent/Complainant

For Petitioners : Mr.R.Senthil Kumar, Advocate

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

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

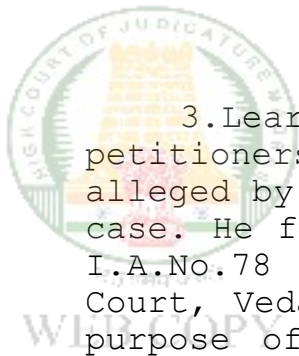
PRAYER :-

For Anticipatory Bail in Crime No.556 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, 506(ii), 427 IPC in Crime No.556 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is a sorcerer and he is indulging in various sorcery magic activities. The defacto complainant and others prevented the first petitioner from doing such activities and in that motive, the petitioners have associated the defacto complainant. Hence, the complaint.



3.Learned Counsel for the petitioners submitted that the petitioners are innocents. They have not committed any offence as alleged by the prosecution, but have been falsely implicated in this case. He further submitted that there is a civil dispute pending in I.A.No.78 of 2021 in unnumbered O.S.No.- of 2021, before the Sub Court, Vendasandur, at the instance of the first petitioner, for the purpose of forming a committee to spend the public fund for the welfare of the villagers. Aggrieved over the same, the present false case has been foisted as against the petitioners.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, submitted that no one has been injured in this case and that the petitioners are not having any other case to their credit.

5.Considering the facts and circumstances of the case, the antecedent of the petitioners, the pendency of a civil dispute and the fact that no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this criminal original petition is allowed and 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, Vendasandur, 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 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 the respondent police as and when required for interrogation.

[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/-
26/08/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

gk

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

+3. CC to MR.V. MUTHUMANI, Advocate (SR.No.5790(I) dated 31/08/2021)

ORDER
IN
CRL OP(MD) No.12207 of 2021
Date :26/08/2021

PKP/JC/SAR-4/08.09.2021/3P/8C