



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12327 of 2021

WEB COPY

1. Besky Arnald, @ Besky

2. Mangalraj @ Mangalam,

3. Reeganraj @ Reegan,

4. Adaikkalaraj @ Adaikkalam,

5. Prabakaran,

6. Sam,

... Petitioners / Accused No.1 to 6

Vs

State Rep. by
The Inspector of Police,
Kallakudi Police Station,
Kallakudi,
Tiruchirapalli District.
Cr.No. 298 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Sivabalan K,
Advocate.

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

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

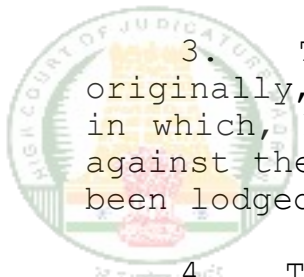
PRAYER :-

For Anticipatory Bail in Crime No.298 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of
the respondent Police, for the offence punishable under Sections
147, 294(b), 323 and 506(ii) IPC, in Cr.No.298 of 2021, seek
anticipatory bail.

2. The case of the prosecution is that due to previous motive,
A1 along with other accused persons threatened the defacto
complainant with dire consequences and abused him in filthy
language: hence, the complaint.



3. The learned counsel for the petitioners submits that originally, A6 was attacked by the defacto complainant and others, in which, he sustained injuries. Hence, a case has been registered against the defacto complainant, for which, this false complaint has been lodged by the defacto complainant.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioners are not having any previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are directed 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, Lalgudi, Trichy, 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 Aadhar 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 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/-
07/09/2021

/ 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

WEB COPY

1. THE LEARNED JUDICIAL MAGISTRATE,
LALGUDI,
TRICHY DISTRICT
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION, KALLAKUDI,
TIRUCHIRAPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.12327 of 2021
Date :07/09/2021

SB/SKN/SAR-III/15.09.2021/ 3P 5C