



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

Date : 22/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.12435 and 2231 of 2021

1. R. Pramman,
2. Krishnamoorthy,
3. Vairavan,
4. Sakthivel, ... Petitioners/Accused No. Not Known
in Crl.O.P(MD).No.12435 of 2021
- 5.Loganathan ... Petitioner/Accused No.1
in Crl.O.P(MD).No.2231 of 2021

Vs

STATE REP BY
The Sub Inspector of Police,
Kallal Police Station,
Sivagangai District
(Crime No. 31 of 2021). ... Respondent in both Crl.O.Ps

For Petitioners : M/s. Prithviraj.P.R., Advocate.
in Crl.O.P(MD).No.12435 of 2021
Mr. R.Balakrishnan, Advocate
in Crl.O.P(MD).No.2231 of 2021

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 31 of 2021 on the file
of the respondent Police.



COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 143, 448, 294(b), 506(i) and 379 of IPC, in Crime No.31 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 13.12.2020, the accused persons trespassed into the shop of the defacto complainant and took the articles worth about Rs.4 lakhs and also threatened him with dire consequences. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners would submit that there was a dispute between the business partners. The petitioners have not committed any offence as alleged by the prosecution. However, to show their *bona fide*, the petitioners are ready to return the articles, but, the defacto complainant refuses to receive the same.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there was a dispute between the business partners. The accused persons trespassed into the shop of the defacto complainant and took the articles worth about Rs.4 lakhs and also threatened him with dire consequences.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against these petitioners and and their willingness to return the articles to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

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, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 respondent police as and when required.

<https://hcservices.ecourts.gov.in/hcservices/>



[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/-
22/09/2021

/ TRUE COPY /

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

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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, Karaikudi.
2. Do Through The Chief Judicial Magistrate, Sivagangai.
3. The Sub Inspector of Police,
Kallal Police Station,
Sivagangai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) Nos.12435 and 2231 of 2021
Date : 22/09/2021