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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14717 of 2021

1. Murugan
2. Govindan
3. Sivaperumal
4. Alagarsamy

... Petitioners/Petitioners/
Accused No.1,4 to 6

Vs

State rep.by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul, Dindigul District.
(Crime No.755 of 2021)

... Respondent/Complainant

For Petitioners : M/s.K.Asok Kumar Ram, Advocate.

For Respondent : M/s.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.755 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioners' second anticipatory bail application. The petitioners/A1, A4 to A6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b) and 506(ii) of IPC, in Crime No.755 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 19.02.2021, when the accused in this case had come to the shop of the de-facto complainant, they threatened the workers, went to the house of de-



facto complainant and also threatened the wife and son of the defacto complainant. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that investigation in this case is not completed.

5.Taking into consideration the facts and circumstances of the case and the fact that except 506 (ii) of IPC, all other offences are bailable offences and also the fact that the custodial interrogation of the petitioners are not necessary, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 No.III, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 condition 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, daily at 10.30 a.m., until further orders;

[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.

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Sd/-
30/09/2021

/ TRUE COPY /

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

kmm

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

+1. CC to M/S.ASOK KUMAR RAM K Advocate SR.No.6782

ORDER
IN
CRL OP(MD) No.14717 of 2021
Date :30/09/2021