



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.10.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15730 of 2021

1.Suresh
2.Periyasamy ... Petitioners/Accused Nos.5&6

Vs

The State rep.by
The Inspector of Police,
Gudalur North Police Station,
Theni District.
Crime No.28/2019 ... Respondent/Complainant

For Petitioners : Mr.D.RAMESH KUMAR, 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.28 of 2019 on the file of the Respondent Police.

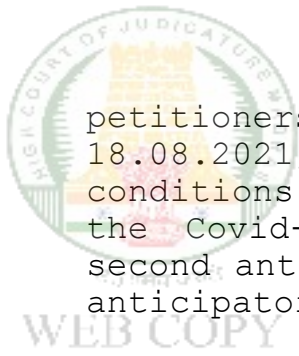
ORDER : The Court made the following order :-

The petitioners/A5 & A6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 448, 323, 324, 506(ii) and 379 I.P.C and Section 4 of TNPPDL Act and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.28 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused and one Ganesan are running a hotel in a partnership terms. The defacto complainant who is the relative of the said Ganesan came to the hotel and intervened in the administration, due to which, a wordy altercation arose between the petitioners and the defacto complainant and the petitioners assaulted the defacto complainant and have also taken a sum of Rs.76,200/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that that this Court has already considered the case of the

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petitioners and granted anticipatory bail to them, vide order dated 18.08.2021, made in Crl.OP(MD)No.11277 of 2021, with certain conditions. But, the petitioners could not arrange sureties due to the Covid-19 pandemic situation and therefore, they moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioners have already been granted anticipatory bail by this Court, in Crl.OP(MD)No.11277 of 2021, dated 18.08.2021 and further submitted that they have not complied with the conditions stipulated therein.

5.Considering the nature of allegation levelled against the petitioners, the fact that the petitioners have already been granted anticipatory bail by this Court and due to the pandemic situation, they were not able to comply with the conditions stipulated in the earlier order, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Uthamapalayam, Theni District, 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 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 learned 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 daily at 10.30 a.m 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***



(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/10/2021

/ TRUE COPY /

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/ /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

- 1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15730 of 2021

Date :20/10/2021

SA/VR/SAR.4/29.10.2021/3P/5C