



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15958 of 2021

1. Abrahamlingam
2. Thangapandi
3. Boopathi

... Petitioners/Accused No.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(Crime No. 118 of 2021)

...Respondent/Complainant

For Petitioners : Mr.Sureshkumar.P.
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

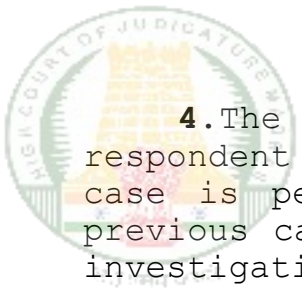
PRAYER :- For Anticipatory Bail in Crime No. 118 of 2021 on the file of the respondent Police.

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 448, 294(b), 307, 427 and 506 (i) of IPC in Crime No.118 of 2021, seek anticipatory bail.

2.The case of the prosecution is that, on 08.10.2021 at about 2.30 p.m., due to previous motive, the accused persons abused the defacto complainant with filthy language, attacked with deadly weapons and also threatened them with dire consequences. They also made severe life threat to the defacto complainant and his son. Hence, the present case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, would submit that no previous case is pending against the first and third petitioners and one previous case is pending against the second petitioner and that the investigation is pending.

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5.Taking into consideration the facts and circumstances of the case, the fact that the first and third petitioners have no previous case, this Court is inclined to grant anticipatory bail to the first and third petitioners with certain conditions and accordingly, this Criminal Original Petition is allowed, in respect of the first and third petitioners alone.

6.Taking into consideration the fact that the second petitioner has previous case pending against him, this Court is not inclined to grant anticipatory bail to the second petitioner and accordingly, this Criminal Original Petition is dismissed, in respect of the second petitioner alone.

7.Accordingly, this Criminal Original Petition is partly allowed and the first and third 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 No.II, Virudhunagar, on condition that the first and third 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 first and third 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 cards or bank pass books to ensure their identity;

(b)the first and third petitioners shall report before respondent police daily at 10.30 am., 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 55601***; and;



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

sd/-

12/10/2021

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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 NO.II, VIRUDHUNAGAR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3. THE INSPECTOR OF POLICE,
AVIYUR POLICE STATION, VIRUDHUNAGAR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SURESHKUMAR, Advocate (SR-7201[I] dated 12/10/2021)

ORDER

IN

CRL OP(MD) No.15958 of 2021

Date :12/10/2021

SM/GBG

MS/PN/SAR-3/01.11.2021/3P.6C