



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15909 of 2021

1. Valavanthan,

2. Kalai,

... Petitioners/Accused 1 & 2

Vs

State Rep by,
The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
(Cr.No.123/2021).

... Respondent/Complainant

For Petitioners : M/s.S.Prabha, Advocate.

For Respondent : Mr.Muthumanickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 123 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 435 IPC in Crime No.123 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

3.The case of the prosecution is that due to money dispute between the petitioners and the defacto complainant, the petitioners/accused set fire on the two wheelers of the defacto complainant on 12.03.2021. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were no way connected with the offence and they have not committed any offence as alleged by the prosecution and hence, they seek anticipatory bail.



5.The learned Additional Public Prosecutor, on instructions, submitted that A1 is having one previous case in Crime NO.95 of 2020 and A2 is having one previous case in Crime No.77 of 2015 for the offence punishable under Section 269 IPC.

WEB COPY

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain stringent conditions. Hence, this petition is allowed and the petitioners are granted anticipatory bail on condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court No.II, Sathur.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sathur, and on their executing 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 Aadhar cards or Bank pass Books to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required by the respondent police;

(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]**; and



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

sd/-
12/10/2021

/ TRUE COPY /

WEB COPY

/ /2021

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

VRN/MBI

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
SATHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT,
CHENNAI -9.

+1 CC to M/s.S.PRABHA, Advocate (SR-7229[I] dated 18/10/2021)

ORDER
IN
CRL OP(MD) No.15909 of 2021
Date :12/10/2021

PKP/VR/SAR-1/20.10.2021/3P/7C