



CRL OP (MD) . Nos.15935 of 2020 and 190 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) . Nos.15935 of 2020 and 190 of 2021

Manoj @ Mano Bharath

... Petitioner/Accused No.3
in Crl.O.P.(MD)No.15935 of 2020

1.Mathumoorthy @ Krishnamoorthy
2.Vijaya Lakshmi

... Petitioners/Accused Nos.1 & 2
in Crl.O.P.(MD)No.190 of 2021

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Madurai.
Crime No. 3 of 2018.

... Respondent/Complainant
in all the petitions

In both the petitions:

For Petitioners : Mr.K.Rajeshwaran,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

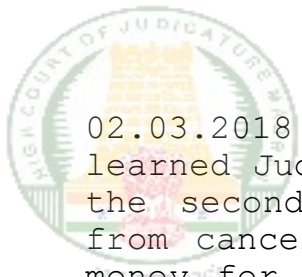
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2018 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 to 3, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 120(B), 406 and 420 of IPC on the file of the respondent
police, seek anticipatory bail.

2.The petitioners' earlier petitions in Crl.O.P.(MD)Nos.1733
and 3322 of 2018 were granted by this Court on 12.02.2018 and
<https://hcservices.ecourts.gov.in/hcservices/>



CRL OP (MD) . Nos.15935 of 2020 and 190 of 2021

02.03.2018 on condition to deposit a sum of Rs.34,000/- before the learned Judicial Magistrate No.I, Madurai, Madurai District. Since, the second petitioner in CrI.O.P.(MD)No.190 of 2021 is suffering from cancer and bedridden, the petitioners 1 and 2 had spend more money for the medical expenses for her treatment and still she is undergoing treatment, hence, they are not able to deposit the said amount and arrange the sureties. Hence, the petitioners filed a present petition before this Court seeking anticipatory bail.

3.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4.Accordingly, the petitioners are directed to deposit a sum of Rs.34,000/- (Rupees Thirty Four Thousand only) each to the credit of Crime No.3 of 2018, before the learned Judicial Magistrate No.I, Madurai, Madurai District, without prejudice to their defence before the trial Court. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of three weeks from the date of receipt of a copy of this order, before the learned the Judicial Magistrate No.I, Madurai, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to 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 first petitioner/A3 in CrI.O.P.(MD)No.15935 of 2020 and the second petitioner/A1 in CrI.O.P.(MD)No.190 of 2021 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

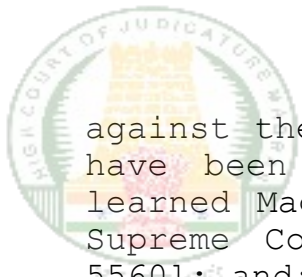
(c)The third petitioner/A2 in CrI.O.P.(MD)No.190 of 2021 shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action

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



CRL OP (MD) . Nos.15935 of 2020 and 190 of 2021

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;

WEB COPY

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

sd/-

08/01/2021

/ TRUE COPY /

/ /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 NO.I,
MADURAI, MADURAI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) . Nos.15935 of 2020 and 190 of 2021

Date :08/01/2021

sj i

AE/KV/SAR-II (22/01/2021) 3P / 5C