



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16195 of 2021

1. Abulkalamazad
2. Thirumurugan
3. Senthil

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Thiruverambur Police Station,
Trichy.
Crime No.1066 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

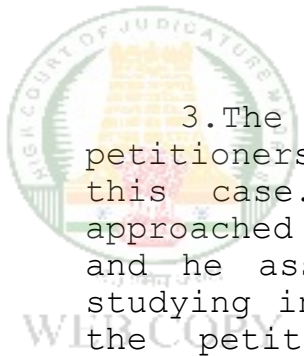
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.1066 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 147, 448, 342, 294(b) and 506(i) of IPC, in Crime No.1066 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running an Institute in the name of Rail Technology and Safety Management and the petitioners are the Commission Agent in the above said Management. On 11.10.2021, the defacto complainant dismissed the petitioners for having received excess amount from the students. Thereafter, the petitioners requested handloan for a sum of Rs.2,00,000/- from the defacto complainant, but the defacto complainant refused to give the amount. Hence, a dispute arouse between the petitioners and the defacto complainant, due to which, the petitioners trespassed into the house of the defacto complainant and threatened him with dire consequences. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the defacto complainant approached the petitioner for getting admission in his Institution and he assured that he would get employment for those who are studying in his institution. But, he did not get employment. Hence the petitioners approached the defacto complainant to give employment to the students. But, the defacto complainant lodged a false complaint as if the petitioners have threatened the defacto complainant with dire consequences.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that no one has been injured in this case.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and that no one has been injured in this case, 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 No.VI, Trichy, 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 5560]***; and;



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

sd/-
25/10/2021

/ 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 NO.VI,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVERAMBUR POLICE STATION, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16195 of 2021
Date :25/10/2021

ssb
MK/JM/SAR.IV/29.10.2021/3P/5C