



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17617 of 2021

1. Arun
2. Sugumar
3. Vadivel

... Petitioners/Accused
1 to 3

Vs

State rep.by
The Inspector of Police,
Vathalai Police Station,
Trichy District
(Crime No.351 of 2021).

... Respondent/Complainant

For Petitioners: M/S.S.Sathya Chidambaram, Advocate.

For Respondent : M/S.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.351 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused 1 TO 3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 324, 506(ii), 379 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Ac, 1992, in Crime No. 351 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 03.11.2021 at about 09.00PM, when the *defacto* complainant and his friends were standing near Kodunthurai junction, the petitioners had abused them in filthy language and threatened with dire consequences. Further, the petitioners also caused damages to the bike of the *defacto* complainant. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. He would further submit that due to previous enmity, a false case has been foisted against the petitioners. Hence, he seek for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner is having one previous case at his credit, whereas the second and third petitioners are not having any previous case to their credit. He would submit that they are having serious objection to release the petitioners on bail, as the investigation is not yet completed.

5. It is seen from the objections raised by the learned Additional Public Prosecutor that the first petitioner is arrayed as the second accused in a case registered in Cr.No.3 of 2021 in Jeeyarpuram All Women Police Station under POCSO Act. The *defacto* complainant of this case, is the witness in that case and due to that, the first petitioner along with others had abused the *defacto* complainant in filthy language, attacked him and caused criminal intimidation. In addition to that, they caused damages to the bike and mobile of the *defacto* complainant. Considering the seriousness and gravity of the offence alleged against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner.

6. However, considering the nature of charges levelled against the second and third petitioners and also the fact that they are not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3, with certain conditions.

7. Accordingly, the petitioners 2 & 3 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, Musiri, Trichy, on condition that the petitioners 2 & 3 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners 2 & 3 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 petitioners 2 & 3 shall report before the respondent Police Station daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 & 3 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 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

15/11/2021

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

PNM

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,
MUSIRI, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17617 of 2021

Date :15/11/2021