



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9810 of 2022

1 DAVID ANTHUVAN

[PETITIONERS / ACCUSED]

2 JUSTIN @ JUSTIN SANTHOSHKUMAR

3 JUSTIN @ JUSTIN JEROLD

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLKURICHI DISTRICT.
CRIME NO.417 OF 2021.

For Petitioners : M/S.T.SUVALAKSHMI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

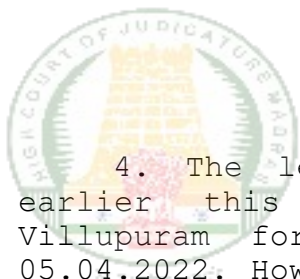
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 448, 352, 506(i) of IPC in Crime No.417 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case against this petitioners as per FIR is that, this petitioners trespassed into the house of the defacto complainant and attacked him with hands. This incident alleged to have been taken place due to some previous enmity arose due to some love affair.

3. The learned Government Advocate (Crl. Side) submits that the first accused is having four previous case and his a rowdy element and under his leadership gone to the house of the defacto complainant and intimidated her and hence the present case has been registered against the petitioners.



4. The learned counsel for the petitioner submits that the earlier this petitioners approached District Sessions Court, Villupuram for anticipatory bail and the same was granted on 05.04.2022. However, the petitioners are not able to arrange sureties with the time prescribed and later sought for extension of time and the same was dismissed. Hence, the petitioners are before this Court seeking anticipatory bail.

5. This Court finds that the first petitioner by name David Anthuvan S/o. Kulandhaisamy is a person who is a cause for the alleged incident and he has four previous cases similar in nature and other petitioners under the leadership of the first petitioner has trespassed into the house of the defacto complainant during late night and intimidated her.

6. For the said reasons, this Court is not inclined to grant anticipatory bail to the first petitioner. In respect of the other petitioners, this Court is inclined to grant anticipatory bail.

6. Accordingly, the petitioners (2nd & 3rd) is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I, Uludhurpet on condition that the second and third petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners (2nd & 3rd) and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioners (2nd & 3rd) shall report before the Investigating Officer daily at 10.30 a.m., until further orders.

(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 has 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
28/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, ULUDHURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
KALLKURUCHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.ASHOKKUMAR Advocate on payment of necessary charges SR.NO.6456

CRL OP.9810/2022

Date :28/04/2022

JPA 09/05/2022