



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/01/2022

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.727 of 2022

1. GOKILA
2. ARUMUGAM

... PETITIONERS/ACCUSED NOS.1 & 2

VS

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.500 OF 2021).

...RESPONDENT/COMPLAINANT

For Petitioners : Mr.S.Raja, Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.500 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

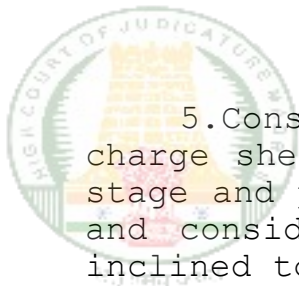
The petitioners/Accused No.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 336 and 506(i) of IPC in Cr.No.500 of 2021, seek anticipatory bail.

2.The first anticipatory bail application in Crl.OP(MD)No.20992 of 2021 was dismissed on 29.12.2021, on the ground that the petitioners are having two previous cases to their credit.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Heard the learned Government Advocate (Crl.side) appearing for the respondent Police.

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



5.Considering the facts and circumstances of the case that charge sheet has not been filed, the FIR is only the investigation stage and police have not taken any steps to arrest the petitioners and considering the age of the second petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

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6.Accordingly, this Criminal Original Petition is partly allowed. 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, Ilayangudi, Sivagangai District and on them executing 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 Magistrate may obtain a copy of their Aadhaar cards or bank pass book 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 for interrogation;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/01/2022

/ TRUE COPY /

/ /2022

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,
ILAYANGUDI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.727 of 2022
Date :20/01/2022

USK/JM/SAR-I/24.01.2022/3P/5C