



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4503 of 2022

1. Sakthivel

2. Karuppaiah

... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.
Cr.No.36 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Muthukumar.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.36 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable ***Under section 454, 380(2), 406, 294(b), 506(i), 323 of IPC** in Crime No.36 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties regarding the temple jewel(Thali chain), due to which, the petitioners abused the de-facto complainant and his family members in filthy language and also attacked them. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate(Crl.Side) would submit that the first petitioner is having three previous cases, out of which, one case was registered in the year 2018 for the offence under Section 379 IPC and the second petitioner is not having any previous case. He would further submit that the injured was discharged from the hospital and that the property has been recovered.

5.Considering the fact that there existed dispute between the parties regarding the temple thali and also the facts that the injured was discharged from the hospital, that except the offence under Sections 454, 380 and 506(ii) IPC, all other offences are bailable in nature and that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Devakottai, 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 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 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 shall report before the respondent police daily at 10.30 am for a period of one month 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/03/2022

***Amended as per court order dated 25/04/2022, made in Crl MP(MD)No.5074/22 in Crl OP(MD)No. 4503/22**

***Further two weeks time is granted to the petitioners to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance made in Crl MP(MD)No.5076/22 in Crl OP(MD)No. 4503 of 2022.**

/ TRUE COPY /

/ /2022

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

SJI

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, DEVAKOTTAI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE

DEVAKOTTAI TALUK POLICE STATION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MUTHUKUMAR S Advocate SR.No.3859(I)

ORDER

IN

CRL OP(MD) No.4503 of 2022

Date :16/03/2022

SS/SBN/SAR:III/23.03.2022 : 3P/6C

das

PKP/PN/SAR-2/06.05.2022/3P/6C

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