



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5404 of 2022

1. Jeganathan

2. Rasu

3. Muthukumar

4. Hariharan

... Petitioners/Accused No.1 to 4

Vs

The State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District
(Crime No. 1282 of 2021).

... Respondent/Complainant

For Petitioner : M/s.GOKUL.K.,
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.1282 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 379 IPC, in Crime No.1282 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute regarding the procession of Paalkudam in the temple festival, at that time, the petitioners have snatched 1 ½ sovereign of gold chain from the de-facto complainant's son. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have earlier approached the learned Principal District and Sessions Judge, Pudukkottai seeking anticipatory bail in Cr.M.P.No.906 of 2022 and the learned Principal District and Sessions Judge, Pudukkottai vide order dated 16.03.2022 has granted anticipatory bail to the petitioners by imposing certain conditions,

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



that since the petitioners have not complied with those conditions, the learned Principal District and Sessions Judge has suo-motu cancelled the order and that therefore, the petitioners are constrained to file the above application seeking anticipatory bail again.

4.The learned Government Advocate (Crl. side) would submit that the property has been recovered and that since the petitioners have not complied with the conditions imposed by the learned Principal District and Sessions Judge, that order was cancelled.

5.Considering the above facts and circumstances of the case and also the fact that the property has been recovered and that the petitioners are not having any bad antecedents, 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 No.1, Aranthangi, 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 a.m., until further orders.

(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/-

23/03/2022

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/ /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 NO.I
ARANTHANGI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5404 of 2022

Date :23/03/2022

SA/SVR/SAR.3/01.04.2022/3P/5C