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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5512 of 2022

1.A.Prabhu @ Prabhakaran
2.Rajasekar
3.Palraj

... Petitioners/Accused No.1 to 3

Vs.

State represented through
The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.
(Crime No.73 of 2022).

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.73/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 353 and 506(1) IPC, in Crime No.73 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 13.03.2022 at about 00.15 hours, the defacto complainant on receiving secret information with regard to the sand theft, went to Puthuvayal Village. At that time, the petitioners 1 and 2 came in a two-wheeler, since the defacto complainant presumed that the first petitioner is a spy, he warned the petitioners, then they had left that place. Thereafter, the petitioners came to the occurrence place and threatened the defacto complainant with dire consequences. 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 Additional Public Prosecutor appearing for the State would submit that the first petitioner is having two previous cases, one in Crime No.58/2019, for the offence under Sections 147, 294(b), 323 and 506(1) IPC and the other case in Crime No.220/2021, for the offence under Mines and Minerals Act and the second accused is having one previous case in Crime No. for the offence under Section 147, 188, 269 and 353 IPC and the third accused is having four previous cases, which came to be registered in the year 2011, 2014, 2016 and 2020.

5. Considering the facts and circumstances of the case and also the fact that no one was injured in this incident, 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 her arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District, 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 Judicial 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
05/04/2022

/ TRUE COPY /

/ /2022

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

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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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.16952

ORDER
IN
CRL OP(MD) No.5512 of 2022
Date :05/04/2022