



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.5785 of 2022

WEB COPY

1. Navaraj
2. Muthukumar

... Petitioners/Accused No.2 & 3

Vs

State Rep.by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(In Crime No.33/2022).

... Respondent/Complainant

For Petitioner : M/s.Balaji A, 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.33 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

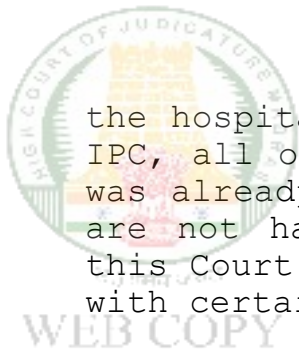
The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 427, 387 and 506(ii) IPC, in Crime No.33 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused waylaid the de-facto complainant, abused him in filthy language, attacked him and damaged the de-facto complainant's vehicle and also extorted small amount kept in the pocket of the de-facto complainant's friend. 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. He would further submit that A1 was already released on bail by the Judicial Magistrate, Karaikudi and hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and that the petitioners are having no previous case.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from



the hospital, that except the offence under Sections 387 and 506(i) IPC, all other offences are bailable in nature, that the co-accused was already released on bail and also the fact that the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of Crime No.33 of 2022 on the file of the learned Judicial Magistrate, Karaikudi, without prejudice to their rights and contentions.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 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/-

05/04/2022

/ 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.

WEB COPY

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

ORDER
IN
CRL OP(MD) No.5785 of 2022
Date :05/04/2022

RS/VR/SAR.4 (11.04.2022) 3P-5C