



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

Date : 25/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6477 of 2022

WEB COPY

1. Prabhakar
2. Ramesh

... Petitioners/Accused 1&2

Vs

1. The State Rep. By,
The Inspector of Police,
Golden Rock Police Station,
Trichy.
Crime.No.349/2022.

... Respondent/Complainant

2. B.Maruthupandi

... Petitioner/Intervener/
Defacto Complainant

For Petitioners : M/s.Ramsundarvijayraj.S.,
Advocate.

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

For Intervenor : Mr.S.Vidyasagar, Advocate
for Mr.S.Vijayakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.349 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 323, 379 and 506(i) IPC, in Crime No.349 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is working as Junior Clerk in Ponmalai Railway Diesel Shed Store. On 23.03.2022 at about 06.00 p.m., when the de-facto complainant was sleeping at his house, at that time, the first petitioner, who is the husband of the co-worker of the de-facto complainant, entered into his house and asked him why he called his wife in phone and assaulted with his hand and on saying to vacate the house and also he thrown out of the bag of the de-facto complainant and threatened him and another person also who came along with him and when they went out of the house, they took the phone of the de-facto complainant. 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.When the matter was taken up for hearing on 12.04.2022, considering the rival submissions, this Court directed the respondent police to file a report with regard to complaint made by the de-facto complainant.

5.In pursuance of the same, the respondent police has filed a counter affidavit, wherein, it has been stated that during treatment at Ponmalai Railway Hospital, Trichy, the de-facto complainant has exaggerated his version and added several allegations, which is contrary to the earlier complaint.

6.The learned Government Advocate (Crl. side) would submit that they have already sent a letter to the Nodal Officer as well as Crime Cell, Trichirappalli City to ascertain the subscriber identity with regard to the mobile phone, which was alleged to have taken by the petitioner at the time of occurrence. He would further submit that the de-facto complainant is having two previous cases in Crime Nos.5 of 2022 and 450 of 2022.

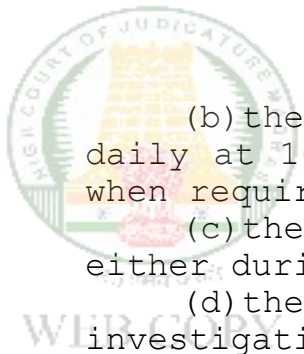
7.At this juncture, the learned counsel for the petitioner would submit that the petitioners are ready to deposit the value of the mobile phone.

8.Considering the above facts and circumstances and also the facts that the injured was discharged from the hospital, that the petitioner is not having any bad antecedents and that except the offence under Sections 379 and 506(i) IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.349 of 2022 on the file of the learned Judicial Magistrate No.V, Tiruchirappalli, without prejudice to their rights and contentions.

10.On such deposit being made, 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 No.V, Tiruchirappalli, 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



(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/-

25/04/2022

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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.V, TIRUCHIRAPPALLI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
GOLDEN ROCK POLICE STATION, TRICHY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-3774[I] dated 25/04/2022)

ORDER IN

CRL OP(MD) No.6477 of 2022

Date :25/04/2022

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