



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

Date : 22/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7547 of 2022

1. Subramani @ Subramanian
2. Karthikeyan
3. Anguraj
4. Samundishwari @ Chamundeshwari
5. Angulatchumi @ Angulakshmi
6. Sannjeevi Kandasamy @ Sanjeev Kanthasamy

... Petitioners/Accused No.1 to 6

Vs

The State Rep. By,
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Crime No.37/2021.

... Respondent/Complainant

For Petitioners : M/s.Mani Anandh P,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

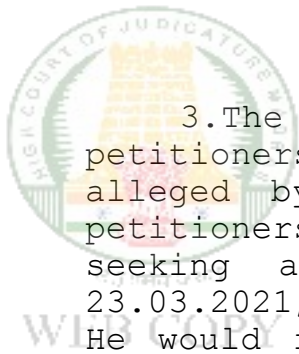
PRAYER :-

For Anticipatory Bail in Crime No.37 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 342, 427 and 506(2) IPC and Section 4 of TNPHW Act, in Crime No.37 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, on 10.02.2021, at about 01.50 p.m, the petitioners entered into the defacto complainant's home and threatened the defacto complainant and her husband 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. He would further submit that the petitioners have filed a petition in Crl.OP.(MD)No.4393 of 2021, seeking anticipatory bail and this Court, vide order dated 23.03.2021, has granted anticipatory bail with certain conditions. He would further submit that due to Covid-19 pandemic situation, they could not able to produce the sureties and hence, they are constrained to file the above application.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is almost completed and they are going to file charge sheet shortly.

5.Considering the facts and circumstances of the case and also the facts that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), that except the offence under Section 506(2) IPC and Section 4 of TNPHW Act, all other offences are bailable in nature and also taking note of the fact that the petitioners were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.4,000/- (Rupees Four Thousand Only) each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Karaikudi.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of 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, 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 1, 2, 3, 6 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 4 and 5 shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness or interfere in the investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/04/2022

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

COPY TO :

THE OFFICER-INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT ADVOCATES WELFARE FUND,
MADURAI.

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-3720[I] dated 22/04/2022)

ORDER IN

CRL OP(MD) No.7547 of 2022

Date : 22/04/2022

DAS

<https://hccs.stg.hccs.gov/hccs/Case/08.04.2022/3P/7C>