



WEB COPY

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

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9064 of 2022

1. Subramaniyan
2. Mathivanan

... Petitioners/Accused No.1 & 3

Vs

State rep.by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.150/2022).

... Respondent/Complainant

For Petitioners : M/s.Arunraj.K., Advocate.

For Respondent : A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.150/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 3 who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b) and 506(i) of IPC in Cr.No.150 of 2022, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that previously a case has been registered against the defacto complainant, one Subramanian and one Jeevanantham in Crime No.201 of 2018 on the file of Musiri Police Station. They have also obtained anticipatory bail. While so, on the instigation of one Mathivanan and Subramanian, Jeevanantham had threatened the defacto complainant, thereby the defacto complainant lodged a complaint against the petitioners.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
11/05/2022

/ TRUE COPY /

13/05/2022
Sub-Assistant Registrar (C.S.II)
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,
MUSIRI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9064 of 2022
Date :11/05/2022

SP/SVR/SAR II/13/05/2022/3P/5C