



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.10155 of 2022

1. Murugan
2. Andavar @ Periyandavar
3. Jeyapandi
4. Tamilselvi
5. Chinnakaruppi

... Petitioners/ Accused Nos.1 to5

Vs

The State represented by
The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime No.48 of 2022)

...Respondent/Complainant

For Petitioners: Mr.K.Rajeshwaran, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

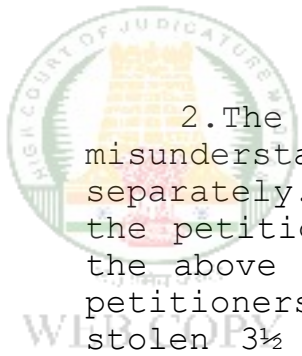
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.48 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 427, 379(NP) and 506(2) IPC, in Crime No.48 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that due to some misunderstanding, the defacto complainant and her husband are living separately. The defacto complainant's husband had availed loan from the petitioners herein and the defacto complainant is not aware of the above said transaction. On 02.06.2022 at about 09.00 p.m., the petitioners trespassed into the defacto complainant's house and had stolen 3½ sovereign of jewels and caused damage to the household articles and also threatened the defacto complainant's friends and relatives. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner is having one previous case and the other petitioners are not having any previous cases and that no one was injured in the incident.

5.Considering the facts that there existed money transaction dispute between the parties, that no one was injured in the incident and that the first petitioners are not having any previous cases for serious offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** each to the credit of Crime No.48 of 2022 on the file of the respondent police before the learned Judicial Magistrate Court No.II, Usilampatti, Madurai District, without prejudice to their rights and contentions.

7.On such deposit, 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 Court No.II, Usilampatti, Madurai 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1 to 3 shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the petitioners 4 and 5 shall report before the respondent police as and when required for interrogation.



[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

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[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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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.II,
USILAMPATTI, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAJESHWARAN K, Advocate (SR-5354[I] dated 10/06/2022)
ORDER
IN
CRL OP(MD) No.10155 of 2022
Date :09/06/2022

PKP/VR/SAR /14.06.2022/3P/6C