



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.09.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14007 of 2022

1.Elango
2.Pandiyan
3.Kaleeswaran

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Sub-Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No.125 of 2022

... Respondent/Complainant

For Petitioners: Mr.K.R.Laxman
Advocate.
For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)
For Intervenor : Mr.K.M.Mohammed Ali, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.125 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 323, 337 and 506(i) IPC and Section 4 of TNWH Act, in Cr.No.125 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 18.07.2022 at about 04.00 p.m., some unknown persons came in a car in a drunken mood and pulled down the de-facto complainant. Hence, she informed the same to his brother. His brother immediately came to the place of occurrence, at that time all the accused persons assaulted her sister. Hence, the complaint.

3.It is seen from the records that this Court, by order dated 01.09.2022, considering the fact that the second petitioner's



marriage was scheduled on 01.09.2022, granted interim ant. bail to the second petitioner till 26.09.2022 and also considering the fact that A1 and A3 are having no previous case, granted anticipatory bail to A1 and A3.

4.The learned counsel for the petitioners would submit that now the second petitioner's marriage was over and he is ready to abide any condition imposed by this Court.

5.The learned counsel for the intervenor strongly opposed to grant anticipatory bail to the second petitioner.

6.The learned Government Advocate(Crl.Side) strongly opposed this petition on the ground that the second petitioner is having one previous case.

7.Since A1 and A3 was already obtained anticipatory bail by this Court, dated 01.09.2022, no further order is necessary in this petition as far as the petitioners 1 and 3/A1 and A3 are concerned.

8.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

9.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakkottai on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

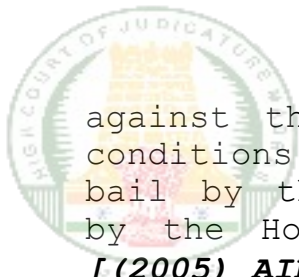
(a)the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the second petitioner shall report before the respondent police daily morning at 10.30 am and evening at 05.30 p.m. until further orders.

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner 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 second petitioner in accordance with law as the conditions have been imposed and the second petitioner 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/-

26/09/2022

/ TRUE COPY /

/10/2022

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, DEVAKOTTAI.
 - 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE, DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.R.LAXMAN, Advocate (SR-10536[I] dated 27/09/2022)

ORDER

IN

CRL OP(MD) No.14007 of 2022

Date :26/09/2022

SJI

RS/VR/SAR.1(11.10.2022) 3P-6C