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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP(MD). Nos.14257 and 14258 of 2022

Imannuel Ganaraj @ Immannuel ... Petitioner/Accused No.1
(in Crl.O.P.(MD)No.14257/2022)

Godwin Bharath @ Bharath ... Petitioner/Accused
(in Crl.O.P.(MD)No.14258/2022)

Vs

1. State rep.by
The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.
(Crime No.474 of 2022) ... Respondent/Defacto Complainant
(in both Petitions)

(*)2. Samraj Chelladurai ... 2nd Respondent/Defacto Complainant
(in Crl.O.P.(MD)No.14257/2022)

(*)(R2 Suo Motu impleaded as per order of this Hon'ble Court dated 25.08.22 in Crl.O.P.(MD)No.14257/22 by GIJ)

For Petitioner : M/s.Narayanakumar.K.P., Advocate
(in Crl.O.P.(MD)No.14257 of 2022)

For Petitioner : Mr.R.Rajesh, Advocate.
(in Crl.O.P.(MD)No.14258 of 2022)

For Respondent 1 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
(in both Petitions)

For Respondent 2 : No appearance
(in Crl.O.P.(MD)No.14257 of 2022)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.474 of 2022 on the file of the respondent Police.

COMMON 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 294 (b), 448, 427, 380 and 506(i) IPC, in Crime No.474 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and A1 are friends. On 31.07.2022, the accused persons made a phone call to the de-facto complainant and asked permission to celebrate their friend's birthday party in his office. When the same was refused by the de-facto complainant, the accused persons abused and threatened the de-facto complainant over phone itself. Thereafter, the accused persons trespassed into the de-facto complainant's office and caused damage to all the articles and also taken away a sum of Rs.2,50,000/-. 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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners trespassed into the de-facto complainant's office and caused damage to all the articles and also taken away a sum of Rs.2,50,000/-. He would further submit that the property is not yet recovered. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of Crime No.474 of 2022 before the learned Judicial Magistrate No.I, Tirunelveli, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

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7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance,

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within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, 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 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 shall report before the respondent police daily at 10.30 am 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
13/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.I,
   TIRUNELVELI.

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2. -DO- THROUGH
   THE CHIEF JUDICIAL MAGISTRATE,
   TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
   PALAYAMKOTTAI POLICE STATION,
   PALAYAMKOTTAI,
   TIRUNELVELI DISTRICT.

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

+1. CC to M/S.NARAYANAKUMAR.K.P. Advocate SR.No.11376

+1. CC to M/S.R.RAJESH Advocate SR.No.11375

ORDER
IN
CRL OP(MD). Nos.14257
and 14258 of 2022
Date :13/10/2022

SP/GB/SAR II/20/10/2022/4P/7C

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