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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15641 of 2022

1. Subbu Pillai

2. Sankar

3. Natarajan

... Petitioners/Accused No.1 to 3

Vs

The State rep. By,
The Inspector of Police,
Mathukkur Police Station,
Thanjavur District
(Crime No. 421 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Prabhu.K.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.421 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 323, 352, 294(b), 506(ii) and 379 (NP) of IPC and Section 4 of TNPWH Act, in Cr.No.421 of 2022, seek anticipatory bail.

2.The case against the petitioners is that the first petitioner lend a sum of Rs.7,00,000/- to the de-facto complainant, on refusal of repayment, the petitioners went to the de-facto complainant's house and attacked him and snatched the gold chain and cellphone and also threatened the de-facto complainant and his wife with dire consequences. Hence, the above case has been registered against the

<https://www.mca21.in/judis>



3. On the side of the petitioners, it is stated that de-facto complainant borrowed a sum of Rs.7,00,000/- from the first petitioner. The second petitioner is the mediator. During mediation for repayment of the amount, the de-facto complainant destroyed the agreement and there was a wordy quarrel between them. Nobody was injured. Only to cheat the petitioners, the de-facto complainant has lodged a false complaint and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that there are three named and four unnamed accused involved in the offence. The petitioners are A1 to A3. The petitioners attacked the de-facto complainant and his wife. The cellphone was not yet recovered and he raised objections for releasing the petitioners on anticipatory bail.

5. Considering the nature of the offence and on considering the fact that nobody was injured in the occurrence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and 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, Pattukottai, Thanjavur 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

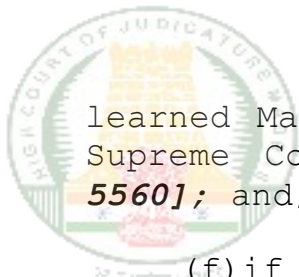
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

(iv) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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/-

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

SJI

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, PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MATHUKKUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S. PRABHU K S Advocate SR.No.9785

ORDER

IN

CRL OP(MD) No.15641 of 2022

Date : 06/09/2022

RK/SBN/SAR-1 (13/09/2022) 3P/6C