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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17673 of 2022

1.Shanmugarajan
2.Manimekalai

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
(Crime No.135/2021)

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Cr.No.135 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i), 406 & 420 of IPC, in Crime No.135 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complaint gave a sum of Rs.10,00,000/- and a car to the first accused to settle a property dispute, but the first accused did not take any steps to settle the dispute. Thereafter, the first accused had returned the car and cash of Rs.1,50,000/-. Since the first accused has not returned the remaining amount, the defacto complainant lodged a complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor (Crl.side) appearing for the respondent police would submit that this is the second anticipatory bail petition. Earlier, the petitioner has filed Crl.O.P(MD)No.18860 of 2021 seeking anticipatory bail and the same was dismissed.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Radhapuram, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners are directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.135 of 2021, within a period of three weeks from the date of receipt of a copy of this order;

(c) the petitioners shall report before the respondent police **on every Wednesday and Sunday at 10.30 a.m.**, for a period of six weeks, and thereafter, as and when required for interrogation.

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(g)if the accused / petitioners thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

sd/-
06/10/2022

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/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
UVARI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-11028[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17673 of 2022
Date :06/10/2022

vsd
MK/SVR/SAR.I/10.10.2022/3P/6C