

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.17852 of 2022

1. Sivakumar

2. Kaliyaperumal

3. Thangarasu

4. Nararajan

5. Thambusami

6. Pappu

7. Ganesan ... Petitioners/Accused Nos. 1 to 7

Vs

State Rep.by

The Inspector of Police,

Uppiliyapuram Police Station,

Thuraiyur,

Trichy District.

(In Crime No.239/2022). ... Respondent/Complainant

For Petitioners : M/s.Sivabalan.K, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

For Intervener : MR.N.SHANKAR GANESH, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.239 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 384, 385 & 506(i) of IPC in Crime No.239 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in the southern railway. The first accused who is the president of the panchayat misappropriated the funds of the Panchayat. In this regard, since the uncle of the defacto complainant questioned the same, the petitioner is said to have attacked the uncle of the defacto complainant and imposed a fine of Rs.60,000/- by conducting the cock panchayat. When the defacto complainant is unable to pay the said amount, the petitioner had taken Rs.20,000/- as advance from the defacto complainant and also imposed some restrictions and also excommunicated him. Hence, the complaint.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending.

5.Considering the facts and circumstances of the case and considering the age of the petitioners 3 & 6, this Court is inclined to grant anticipatory bail to the petitioners 3 & 6.

6.Accordingly, this criminal original petition is allowed as regards the petitioners 3 & 6 and the petitioners 3 & 6 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, Thuraiyur, Trichy 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 3 & 6 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 3 & 6 shall report before the respondent police on every Wednesday at 10.30 a.m.,for a period of four weeks.

[c]the petitioners 3 & 6 shall not tamper with the evidence or

witness either during investigation or trial.

[d]the petitioners 3 & 6 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 3 & 6 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]**.

7. This Criminal Original Petition is dismissed as regards the petitioners 1,2,4,5 & 7.

sd/-
06/10/2022

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
UPPILYAPURAM POLICE STATION,
THURAIYUR,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-11100[I] dated 10/10/2022)

ORDER
IN
CRL OP(MD) No.17852 of 2022
Date :06/10/2022

rmi
PKP/VR/SAR-1/12.10.2022/3P/6C