



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/10/2022

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PRESENT

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

CRL OP(MD). No.18387 of 2022

1. Subramanian
2. Manikandan @ Prabhu @ Petchimuthu
3. Alagudurai @ Alaguraju ... Petitioners/Accused No.1 to 3

Vs

THE STATE REPRESENTED BY
The Inspector of Police,
Puliyarai Police Station,
Tenkasi District.
Cr.No.163/2022.

... Respondent/Complainant

For Petitioners : M/s.Thilagarani D,
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.163/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 379(NP) and 506(i) IPC and Section 4 of TNWH Act, in Crime No. 163 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.07.2022, the petitioners have tortured the Cows and taken into the van bearing Regn.No.KL 02 AM 7799 for selling, when the same was questioned by the defacto complainant, the petitioners have abused her in filthy



language and also threatened her with dire consequences. He filed a complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are having the proper documents relating to sale the cow, without taking the proper investigation the respondent has filed the case. He would further submit that the petitioners are innocent and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that it is a second anticipatory bail petition and the earlier earlier petition filed by filed by the petitioners was dismissed by this Court on 20.09.2022 in Crl.O.P(MD).No.15872 of 2022. He would further submit that now, five witnesses have been examined and the investigation is not yet completed. He further contended that the custodial interrogation of the petitioners is necessary and strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that five witnesses have been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Senkottai, Tenkasi District, on condition that the petitioners 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 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 a.m., 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**



5560J; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/10/2022

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

+1. CC to M/S.THILAGARANI D Advocate SR.No.11519

**ORDER
IN**

CRL OP(MD) No.18387 of 2022
Date :17/10/2022

TRP

SA/SBN/SAR I/26/10/2022/ 3P 6C