



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18729 of 2022

1.Gurunathan

2.Aravindhnan @ Aravinth

3.Anburaj

4.Saraswathi ... Petitioners/Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
(Crime No.298/2022)

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
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.298/2022 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 offences punishable under Sections 448, 427, 294(b), 324, 379 and 506(ii) of IPC, in Crime No.298 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a news reporter in Bharatha Thoongal, a weekly magazine. On 05.09.2022, the defacto complainant and his mother Rajambal were in

that time, the petitioners and other accused trespassed



into his house and abused him by using filthy language, and hit him with hands and also threatened him with dire consequences. Further, the petitioner and other accused took away the mobile phones and a laptop belonging to the complainant and his mother. Hence, the complaint.

WEB COPY

3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been foisted against the petitioners and it is a case and case in counter. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital and no previous case is pending against the petitioner. He would further submit the properties have not been recovered and the investigation is not yet completed. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured has been discharged from the hospital and the petitioner is not having any bad antecedents, 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 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 No.V, Trichy, 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 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:

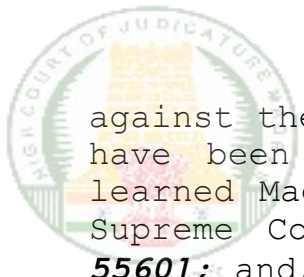
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police once in a week on every Monday 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 or 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/-

19/10/2022

/ TRUE COPY /

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.11718

ORDER

IN

CRL OP(MD) No.18729 of 2022

Date :19/10/2022

SS/SBN/SAR III/03/11/2022/ 3P 6C