



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.20889 of 2021

1.Arumugam
2.Kalimuthu
3.Muthukumar@Muthukulanthai
4.Periyakkal

... Petitioners/Accused Nos.2,4,5&6

Vs

The State rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.713 of 2021).

... Respondent/Complainant

For Petitioners : Mr.V.KARUNA.,
Advocate.

For Respondent : MR.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.713 of 2021 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 alleged offences punishable under Sections 147, 294(b), 323, 324 & 506(ii) of IPC in Crime No.713 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners abused the defacto complainant and threatened him with dire consequences. 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. He would further submit that this is the fourth application for anticipatory bail and the first application was dismissed as withdrawn on 24.08.2021. The second and third applications were dismissed on 30.09.2021 and 08.10.2021 for suppression of earlier applications.



4. Heard the learned Government Advocate(Crl.side) appearing for the respondent police.

5.It appears that this Court, by orders dated 24.08.2021, 30.09.2021 and 08.10.2021, dismissed the anticipatory bail applications filed by the petitioners. However, the respondent Police has not taken any steps to secure the petitioners. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 No.II, Kulithalai 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

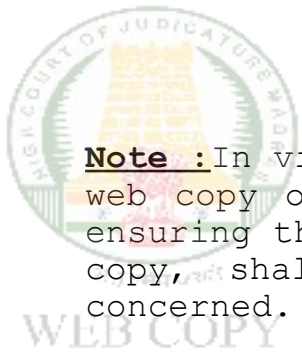
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/01/2022

/ TRUE COPY /

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



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 NO.II
KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20889 of 2021
Date :27/01/2022

SA/VR/SAR.3/28.02.2022/3P/5C