



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20483 of 2022

Gowri Sankar @ Gowrisankar, ... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
Crime No. 370 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anto Prince G, 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 Cr No.370/2022 on the file of the respondent police.

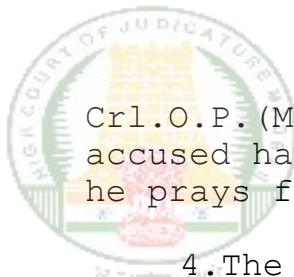
ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 427, 506(2) and 379 IPC, in Cr.No.370 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that all the accused abused the de-facto complainant in filthy language and threatened him in front of his house. A1 damaged the de-facto complainant's house door by using Axe. A2 to A5 have damaged the de-facto complainant's bike. Further, all the accused have broken bureau in the de-facto complainant's house and had committed theft of Rs.1,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second antiicipatory bail application and the application was dismissed by this Court, dated 31.10.2022 in

<https://www.mca.gov.in/public>



Crl.O.P.(MD)no.19219 of 2022. He would further submit that the accused have already been granted bail and anticipatory bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner has damaged the properties worth about Rs.20,000/- and had committed theft of Rs.1,00,000/-. He would further submit that the petitioner's earlier application was dismissed by this Court, dated 31.10.2022 in Crl.O.P.(MD)no.19219 of 2022. He would further submit that six witnesses have been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused have already been granted bail and anticipatory bail and six witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Sivagiri.

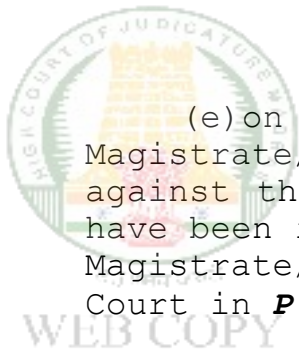
7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioner shall execute 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

COPY TO

THE HEAD MISTRESS,
MADURAI EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-13257[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20483 of 2022
Date :18/11/2022

SJI
PKP/VR/SAR-2/28.11.2022/3P/7C