



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21225 of 2022

1. Murugan @ Sivamurugesan
2. Senthil
3. Thangaraj
4. Mahalingam
5. Appukutty @ Rajeshkanna

... Petitioners/Accused 1to 5

Vs

The State Rep.by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District
(Crime No.470 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.

For Respondent : Mr.M. Vaikkam Karunanithi,
Government Advocate (Crl.Side)

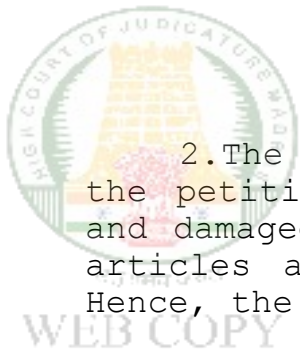
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.470 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 294(b), 323, 427, 506(i) and 379 IPC in Crime No.470 of 2022,
are granted anticipatory bail.



2.The case of the prosecution is that due to previous motive, the petitioners entered into the house of the defacto complainant and damaged the articles worth about Rs.2,00,000/- and some of the articles are found missing and the same has not been recovered. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) would submit that totally five accused involved in this case, who are the accused persons herein and it is a case of case and counter and the injured was discharged from the hospital. He would further submit that the property was not yet recovered and the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that it is a case of case and counter, 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, Vedsanthur 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:

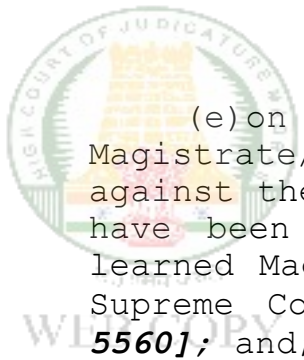
a) the petitioners are directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) each to the credit of Crime No.470 of 2022, before the concerned Magistrate, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) 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 am 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 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]**; and;

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

sd/-

01/12/2022

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

TRP

TO

1. The Judicial Magistrate, Vedsanthur.
2. -do-Through The Chief Judicial Magistrate,
Dindigul District .
3. The Inspector of Police,
Vadamadurai Police Station,
Dindigul District .
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-14217[I] dated 02/12/2022)

ORDER

IN

CRL OP(MD) No.21225 of 2022

Date :01/12/2022

RD/BUC/SAR-II(08/12/2022) 3P 6C