



CrI.O.P.Nos.6864 and 6851 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 452 and 395 IPC, in Crime No.69 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Velmurugan is that on 12.02.2023 at about 7.30 p.m., some unknown persons had trespassed into his house with an intention to kill him and they had made him to speak to an unknown rowdy from Puducherry through Whatsapp call who inturn, threatened the defacto complainant to part a sum of Rs.50 lakhs each to one Panneerselvam and Thirumurugan/petitioners herein stating only because of them the defacto complainant had become a big wig. Subsequently, since the local residents had gathered, they left the place by giving life threat to the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in



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this case. He would further submit that the petitioners are ready to abide by any stringent conditions as may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) vehemently opposed for grant anticipatory bail to the petitioners stating that the petitioners who have been arrayed as A1 and A2, with the help of A3 who is a notorious rowdy element, sent henchmen to the house of the defacto complainant who threatened him with dire consequences and made the defacto complainant to speak with A3 through Whatsapp call during which, A3 threatened the defacto complainant to part a sum of Rs.1 Crore to the petitioners/A1 and A2. He further submitted that A3 has been arrested and still in judicial custody and there is no previous case against the petitioners.

5. Heard both sides and perused the materials available on record.



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6. Considering the above facts and circumstances of the case and the submissions made on both sides and also of the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 on which the order copy made ready, before the **learned Judicial Magistrate-2, Villupuram**, on condition that the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) with two sureties** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall stay at Madurai and report before the Inspector of Police/Station House Officer, Vilathikulam Police Station everyday 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 5560].

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

17.04.2023

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Copy to:

The Inspector of Police/Station House Officer
Vilathikulam Police Station, Madurai

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