



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P (MD) No.779 of 2023

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1.Prabakaran
2.K.Annadurai

...Petitioners/Accused Nos.1 & 2

-vs-

The State represented by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Cr.No.9 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.9 of 2023 on the file of the respondent Police.

For Petitioners : Mr.A.Sivasubramanian

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 352, 354, 379 and 506(ii) of IPC in Crime No.9 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused persons have illegally trespassed into the house of the de-facto complainant, abused him with filthy language and also attacked the de-facto complainant with Aruval and also snatched a gold chain and threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given based on the business rivalry. He would also submit that earlier enquiry was conducted in C.S.R.No.1225 of 2022 and the petitioners were called for enquiry and they have also appeared for enquiry and later, based on the pressure given by the de-facto complainant, the case came to be registered and he would submit that the allegation



of snatching of chain is a false one. He would oppose for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that due to the business motive, the accused had entered into the house of the de-facto complainant around 11.00 pm., and attacked the mother of the de-facto complainant and had also snatched a gold chain weighing of three sovereigns and hence, he would oppose for grant of anticipatory bail to the petitioners.

5.The learned Counsel for the intervenor would submit that the accused persons have not only trespassed into the house of the de-facto complainant, but they have also snatched a gold chain weighing of three sovereigns. He would oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Orathanadu, on condition that the petitioners shall execute 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 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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 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.

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

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To

1.The District Munsif cum Judicial Magistrate, Orathanadu.

2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SIVASUBRAMANIAN.A ---, Advocate (SR-734[I] dated
12/01/2023)

CRL.O.P (MD) No.779 of 2023
12.01.2023

TR/MMS/SAR-II (24.01.2023) 3P 6C