



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P (MD) No.1113 of 2023

1.Mani @ Masilamani @ Masila Manikandan

2.Muthupandi

3.Siyamala

...Petitioners/Petitiners

-vs-

The State represented by
The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
(Cr.No.2 of 2023)

...Respondent/Respondent

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

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.2 of 2023 on the file of the respondent Police.

For Petitioners : Mr.S.Veerapandi Selvaraj, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 229A of IPC in Crime No.2 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 earlier, as against the petitioners and other accused, the respondent police has registered a case in Cr.No.152 of 2022 and subsequently, the petitioners have approached this Court for anticipatory bail and this Court, by order, dated 28.10.2022 in Crl.O.P.(MD)No.19205 of 2022 granted anticipatory bail to the petitioners with certain conditions. Since the petitioners did not comply with the conditions imposed by this Court, the respondent police has registered the present case.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners are the accused in Cr.No.152 of 2022 and were granted anticipatory bail by this Court, by order, dated 28.10.2022 in Crl.O.P.(MD)No.19205 of 2022. He would further submit that since the first petitioner suffered with illness and the third petitioner has sustained injuries on account of an accident, they were unable to appear before the respondent police and comply with the condition. He would further submit that non compliance of the condition is neither wilful nor wanton and only due to illness of the first petitioner and the accident of the third petitioner, they were unable to appear before the respondent police. He would also submit that the petitioners are willing to comply with any stringent conditions, that may be imposed on them and undertake to appear before the respondent police without fail. Hence, he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that earlier in a case registered against the petitioners, this Court had directed the petitioners to appear before the respondent police every day at 10.30 am., by order, dated 28.10.2022 in Crl.O.P(MD) No.19205 of 2022. However, they did not appear before the respondent police and comply with the condition, thereby, a fresh case came to be registered and he would object 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 Judicial Magistrate Court, Nilakottai, Dindigul District, 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 every day at 10.30 a.m., and 05.30 p.m., for a period of four 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.

sd/-

01/02/2023

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/02/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VEEERAPANDI SELARAJ, Advocate (SR-1560[I] dated
01/02/2023)

ORDER

IN

CRL OP(MD) No.1113 of 2023

Date :01/02/2023

PKP/VR/SAR-2/10.02.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>