



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.1445 of 2023

WEB COPY

1.M.Gunasekaran
2.Malathi
3.Premkumar
4.Subash @ Subashsundar

... Petitioners/Accused 1 to 4

-VS-

The State represented by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(in Cr.No.10 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 by the respondent Police with respect to Cr.No.10 of 2023.

For Petitioner
For Respondent

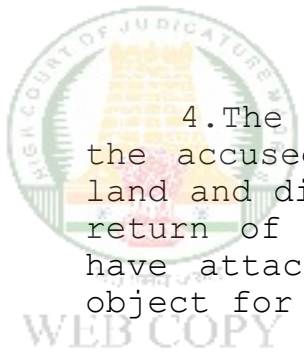
: Mr.M.Murugesan, Advocate
: Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420 and 506(i) of IPC r/w Section 4 of TNPHW Act in Crime No.10 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 have received Rs.10,000/- for obtaining patta for his land and did not do so. When the de-facto complainant had asked for return of money, the first accused along with his family members have attacked him resulting in him sustaining injuries. Hence, the complaint.

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 the first petitioner is the Village Assistant and the petitioners 2 to 4 are the wife and sons of first petitioner. The third petitioner is the Law graduate and the fourth petitioner is the B.Com graduate. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. Hence, he would seek for anticipatory bail to the petitioners.



4.The learned Government Advocate (crl.side) would suk at the accused have received Rs.10,000/- for obtaining patta for the land and did not do so. When the de-facto complainant had asked for return of money, the first accused along with his family members have attacked him resulting in him sustaining injuries. He would object for grant of anticipatory bail to the petitioner.

5.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 petitioner with certain conditions.

6.Accordingly, the petitioners is 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, Melur, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders. The petitioners 2 to 4 shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter as and when required on issuance of summons.

[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/-

25/01/2023

/ TRUE COPY /

/02/2023

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



1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.MURUGESAN.M Advocate SR.No.1242 (I) Date:27/01/2023.

ORDER

IN

CRL OP (MD) No.1445 of 2023
Date :25/01/2023

SA/SSS/SAR.1/01.02.2023/3P/6C