



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/02/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1807 of 2023

1. B.S.Githanjali

2. S.Sureshwaran

3. N.Selvam

4. N.Namasivayam

... Petitioners/Accused A 1-4

Vs

1.The State rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
Crime No.28 of 2023..

... Respondent/Complainant

2 T.Mahalakshmi

...Petitioner/Intervener
in CRL MP(MD)No.1903 of 2023

For Petitioners : M/s.Senthil Kumar A, Advocate

For Intervenor : Mr. Michel Jebastin, Advocate
for Mr.Subash Chandra Bose, Advocate

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

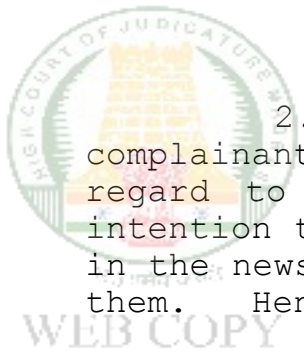
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 34, 182, 384, 499, 501, 506(i) of I.P.C and Section 4 of TNPHW Act, in Crime No.28 of 2023, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution as per the complainant is that there was dispute between the parties, with regard to administration of trust, the accused persons with an intention to create a bad name to the complainant, gave a false news in the newspaper and threatened him to change the trust in favour of them. Hence, the complaint.

3.The learned counsel for the petitioners submitted that they are innocent and a false case has been foisted against them, since there is a dispute with regard to the administration of trust. The occurrence is of the year 2020 and a civil suit also pending between the parties. Earlier, on the basis of complaint given by the petitioners a case has been registered against the defacto complainant. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons had given a false news in the news paper to create a bad name to the defacto complainant and also threatened him. Hence, prays to dismiss the petition.

5.The learned counsel for the intervenor vehemently opposed to release the petitioners on anticipatory bail, since there is a life threat to the defacto complainant.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of 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, Thottiyam, Trichy District**, 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 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 learned 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 a.m., for a period of two weeks, thereafter, on every Saturday at 10:30 a.m., until further orders;



(c)the petitioners shall not tamper with the 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]**; and;

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

sd/-

08/02/2023

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

pnm

TO

1.THE JUDICIAL MAGISTRATE, THOTTIYAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.1807 of 2023

Date :08/02/2023

RK/BUC/SAR- 1(17/02/2023) 3P/5C