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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2433 of 2023

1. Niranjana
2. Sanjanna @ Meenalotchani
3. Ezhil @ Ragavi

... Petitioners/Accused 1-3

Vs

State Rep.by
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.24/2023).

... Respondent/Complainant

For Petitioners : M/s.Maniyarasu K C, Advocate
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

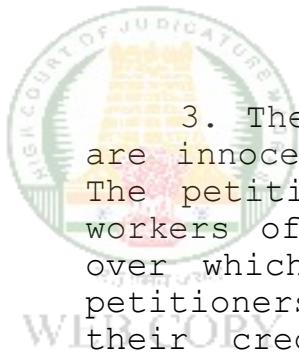
PRAYER :-

For Anticipatory Bail in Crime no.24/2023 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 294(b), 394, 506(ii) I.P.C, in Crime No.24 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is the night watchman in a petrol bunk. On 10.01.2023 midnight at 00.30 a.m., the first and second petitioners came to the bunk and filled up petrol for a sum of Rs.150/- to their two wheeler and refused to pay the amount. When they about to leave, one Karuppasamy, who was on duty, restrained them, over which, they had abused and assaulted him and with the help of third petitioner, took the cash bag, which contains cash of Rs.9,000/-. Hence, the complaint.



3. The learned counsel for the petitioners submitted that they are innocent and a false complaint has been foisted against them. The petitioners were working near the petrol bunk and only the workers of petrol bunk employees misbehaved with the petitioners, over which, the alleged case came to be registered against the petitioners. The petitioners are not having any previous case at their credit. Hence, prays to release the petitioners on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the accused persons came to the petrol bunk at midnight and after filled up petrol for a sum of Rs.150/-, they refused to pay, over which, there was a quarrel between them and also they took the cash bag, which contains cash of Rs.9,000/-. Though the petitioners are not having any previous case at their credit, there are several complaints against the petitioners. Hence, prays to dismiss the petition.

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

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

7. 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 No.1, Karur**, 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:

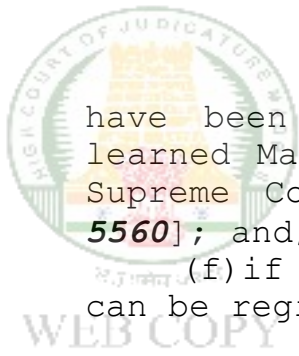
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent Police daily at 10:30 a.m., 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. 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/-

07/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-1999[I] dated
08/02/2023)

ORDER

IN

CRL OP(MD) No.2433 of 2023

Date : 07/02/2023

RS/SSS/SAR.4 (14.02.2023) 3P-6C