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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.3846 of 2023

1. Raman @ Ramaiah
2. Mani
3. Arumugam @ Eswaran ... Petitioners/Accused No.1 to 3

Vs

The state rep.by
The Inspector of Police,
All Women Police Station, Thirumayam,
Pudukottai District.
(Crime No.296 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Ganapathi Subramanian.P,
Advocate
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

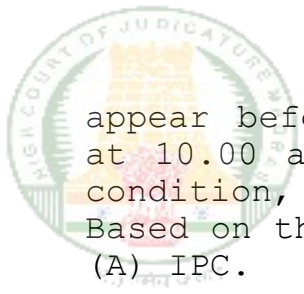
PRAYER :-

For Anticipatory Bail in Crime No.296 of 2022 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 229(A) IPC, in Crime No.296 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who is the Sub Inspector of Police is that the accused were earlier involved in Crime No.147 of 2022, registered for the offence under Section 294(b), 323, 324, 506(ii) IPC, they were granted bail by the learned Sessions Judge, Pudukottai in Crime No.3057 of 2022, dated 30.08.2022 and they were directed to



appear before the learned Judicial Magistrate, Thirumayam at 10.00 a.m., until further orders. However, violating the said condition, the accused persons have not appeared before the Court. Based on the complaint, a case has been registered under Section 229 (A) IPC.

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3. The learned counsel for the petitioners submitted that the petitioners are innocent and a false complaint has been foisted against them. A case in Crime No.147 of 2022, registered for the offence under Section 294(b), 323, 324, 506(ii) IPC, they were granted bail by the learned Sessions Judge, Pudukottai in Crl.MP.No.3057 of 2022, dated 30.08.2022 and they were directed to appear before the learned Judicial Magistrate, Thirumayam everyday at 10.00a.m., until further orders. The petitioners have been regularly complying with the condition for a period of 41 days, ie., from 02.09.2022 to 12.10.2022 without fail. Whiles, the petitioners were falsely implicated in another case registered in Crime No.160 of 2022, by the very same respondent Police for the offence under Sections 294(b), 323, 506(i) IPC r/w 4 of TNPHW Act. Again, the petitioners have approached the learned Sessions Judge in Crl.MP.No.3459 of 2022 and they were granted bail with a condition to appear before the learned Judicial Magistrate, Pudukottai daily at 10.30a.m., and 5.00p.m., until further orders and the petitioners were appearing before the concerned Court for a period of 7 days. Whiles, yet another case was registered by the All Women Police Station, Thirumayam in Crime No.9 of 2022 for the offence under Sections 341, 294(b), 323, 506(ii), 509 of IPC on 22.10.2022 and the petitioners have approached this Court for anticipatory bail in Crl.OP(MD)No.21415 of 2022 and on 19.12.2022, this Court has granted anticipatory bail to them, with a direction to appear before the Inspector of Police, All Women Police Station, Thirumayam daily at 10.30a.m., until further orders. In pursuant to the earlier order passed by the learned Sessions Judge in Crl.MP.No.3459 of 2022, they had appeared before the learned Judicial Magistrate, Pudukottai. Thereafter, as per the order of this Court in Crl.OP(MD)No.21415 of 2022, they have been appearing before the Inspector of Police, All Women Police Station, Thirumayam, whereas, the respondent Police has filed the present case, as if, the petitioners did not comply with the condition imposed by the lower Court. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons were granted anticipatory bail in Crime No.147 of 2022, with a direction to appear before the learned Judicial Magistrate, Thirumayam everyday at 10.00a.m., until further orders. However, after appearing for a period of 41 days, they have not complied with the condition, thereby, the present case came to be registered.

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 considering the fact that after grant of bail in Crime No.147 of 2022, the petitioners have been subsequently implicated in two other cases, thereby, they could not comply with the condition as imposed by the lower Court, 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, Thirumayam**, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the Inspector of Police, All Women Police Station, Thirumayam everyday 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/-

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

PNM



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMAYAM,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.GANAPATHI SUBRAMANIAN.P Advocate SR.No.3846(I)

ORDER

IN

CRL OP(MD) No.3846 of 2023

Date :03/03/2023

VA/SKN/SAR-4/(09.03.2023)/4P/6C