



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.04.2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) Nos. 5955 & 6074 of 2023

1. Anil Mathew

2. Abhishek Mathew Anil

... Petitioners/Accused 1 & 2
in Crl.O.P. (MD) No. 5955 of 2023

Mahendran @ Surya

... Petitioner/Accused 3
in Crl.O.P. (MD) No. 6074 of 2023

Vs

State Rep by
The Inspector of Police,
Theni Police Station,
Theni District.
In Cr.No.122 of 2023

... Respondent/Complainant
in both Crl.O.Ps.

For Petitioners : Mr.C.Susi Kumar
(in Crl.O.P. (MD) No. 5955 of 2023)

For Petitioner : Mr.R.Maheswaran
(In Crl.O.P. (MD) No. 6074 of 2023)

For Respondent : Mr.R.M.Anbunithi,
(in both Crl.O.Ps.) Additional Public Prosecutor

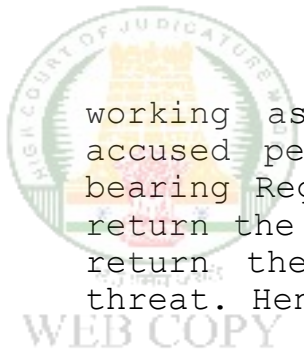
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.122 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) and 506(ii) IPC in Crime No.122 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first accused is running an institute in the name of Study Ways-International, near Reverend Hospital, Theni. The defacto complainant's wife is



working as Office Assistant in the above said institut
accused persons took the car of the defacto complainant's wife,
bearing Reg.No.TN-07-BT-7907 to Kerala. Thereafter, they failed to
return the car. When the defacto complainant and his wife asked to
return the car, the accused persons abused them and made life
threat. Hence the case.

3.Heard both sides and perused the materials available in the
record.

4.This matter has been referred before the Mediation Centre,
attached to this Bench. Now, the parties arrived for amicable
settlement vide settlement agreement dated 17.04.2023. In view of
the settlement arrived between the parties, this court is inclined
to grant anticipatory bail to the petitioners with certain
conditions:

5.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, Theni, 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 respondent Police
as and when required;

[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/-

28/04/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

GNS

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.SUSI KUMAR C Advocate SR.No.7108

ORDER

IN

CRL OP (MD) Nos. 5955 & 6074 of 2023

Date : 28/04/2023

SA/MMS/SAR.2/17.05.2023/3P/6C