



(Crim



23)

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

Date : 17/04/2023

PRESENT

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

CRL OP(MD). 6900 of 2023

1.Manoharan
2.Mayandi
3.Ganesan

... Petitioners / Accused No. 1 to 3
Vs

The State rep., by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.58 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.Muniyandi, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR Anticipatory Bail Under Sec.438 of Cr.P.C.

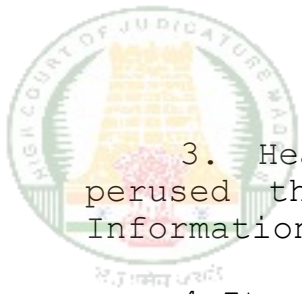
PRAYER :-

For Anticipatory Bail in Crime No.58 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 323, 406, 420, 379 nad 506(ii) of I.P.C., in Crime No.58 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant have entered into an agreement on 26.07.2021 to run the poultry firm which is belonged to the first petitioner and thereby, he given a sum of Rs.2,00,000/- as lease amount (premium amount) to him for the period of one year. Thereafter, the petitioners have created problem with the defacto complainant and thereby, there is some dispute arose between them. In the meantime, the petitioners broke open the door and entered into the poultry firm on 09.07.2022 and they have taken away the household articles and his cell phone from the poultry firm on 09.07.2022. Hence, the



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the complaint lodged by the defacto complainant was not considered by the respondent police and as such, he approached the learned Magistrate for direction under Section 156 (3) of CrI.P.C., and after a direction given by the learned Magistrate, FIR has been registered by the respondent police in Crime No.58 of 2023 for the offences under Sections 294(b), 323, 406, 420, 379 and 506(ii) of IPC.

5. Taking into consideration the facts and circumstances of the case and also the allegation levelled as against the petitioners, the custodial interrogation of the petitioners do not require. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Athoor, 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 the 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 1 and 3 shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation. The second petitioner shall report before the respondent police and when required for interrogation.

[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 imposed and the petitioners released on bail by the



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learned Magistrate/Trial Court himself as laid down by the 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.

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

RMK

To

1.The Judicial Magistrate,
Athoor.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-5945[I] dated 17/04/2023)

ORDER

IN

CRL OP(MD) No.6900 of 2023

Date :17/04/2023

ED/MMS/SAR-2 (27/04/2023) 3P 6C