



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

Date : 11/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD) . No.8617 of 2023

- | | |
|--------------|--|
| 1. Jagadeesh | ... 1 st Petitioner / Accused No.1 |
| 2. Gankani | ... 2 nd Petitioner /
Accused rank not known |

Vs

- | | |
|---|--|
| 1.State through
The Inspector Or Police,
Thiruvegampet Police Station,
Sivagngai District.
Crime No.51 of 2023. | ... Respondent / Complainant |
| 2.Subramaniam | ... Petitioner / Intervener
in CRL MP(MD) No.7414 of 2023 |

For Petitioner : M/s.R.Maheswaran, Advocate.

For Respondent : Mr.M.Vikkam Karunanithi,
Government Advocate (Crl.Side)

For Intervener : Mr.G.Prabhu Rajadurai, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 51/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 323, 427 and 506(ii) IPC in Crime No.51 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners and other accused were trespassed into the defacto complainant's house, abused him with filthy language and threatened



him with dire consequences and also damaged the bikes and household articles. Hence, the complaint.

3. Heard and perused the materials available on record including the First Information Report.

WEB COPY

4. The learned counsel for the intervenor submitted that 20 peoples came in a bike and damaged the articles belonging to the defacto complainant and also the injuries sustained by the defacto complainant is grievous in nature.

5. Considering the facts and circumstances of the case and also considering the nature of allegations made against the 2nd petitioner, this court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions:

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the 2nd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to 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 2nd petitioner 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;

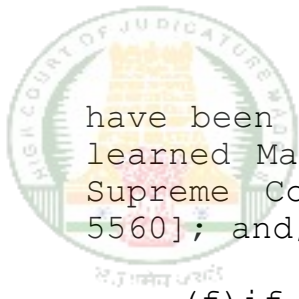
(b) the 2nd petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.51 of 2023 before the learned Judicial Magistrate, Devakottai, without prejudice to their rights and contentions before the trial Court and file receipt/acknowledgment along with surety affidavit;

(c) the 2nd petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd petitioner 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 2nd petitioner are 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. Considering the serious nature of allegations made against the 1st petitioner, this Criminal Original Petition is dismissed as against 1st petitioner / A1.

sd/-

11/05/2023

/ TRUE COPY /

/05/2023

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

TRP

To

1.The Judicial Magistrate,
Devakottai.

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

3.The Inspector of Police,
Thirvegampet Police Station,
Sivagangai District.

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

ORDER

IN

CRL OP(MD) No.8617 of 2023

Date :11/05/2023

ED/BUC/SAR-4 (12/05/2023) 3P 5C