



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

Date : 17/05/2023

PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.8921 of 2023

1.Kanagarajan
2.Manivelraj
3.Suriyakala
4.Vidhya
5.Vinoth @ Vinothkumar
6.V.Sankar @ Sankarkumar ... Petitioners/A1 to A6

Vs

State rep., by
The Inspector of Police,
Theni Town Police Station,
Theni District.
(In Crime No.221 of 2023) ... Respondent/Complainant

For Petitioners : Mr.C.Susikumar
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

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

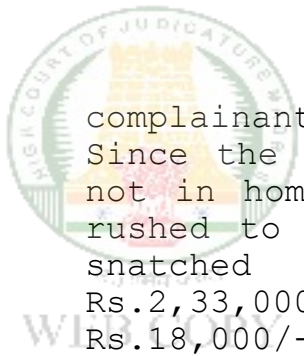
PRAYER :-

For Anticipatory Bail in Crime No.221 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323, 324, 355, 379 and 506(ii) of IPC, in Crime No.221 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the third petitioner are husband and wife and out of their wedlock, they blessed with two children. Due to misunderstanding arose between them, they were living separately and their elder son is with the third petitioner. On 09.05.2023, the defacto



complainant went to the first petitioner's house to see 1. Since the first petitioner informed him that his son and wife are not in home, he left from the place. Thereafter, the petitioners rushed to the house of the defacto complainant and attacked him, snatched 3 sovereigns of gold jewels and also took away Rs.2,33,000/-, two cell phones worth about Rs.73,000/- and Rs.18,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the State would submit that there was a family dispute between the parties and injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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, Theni, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each, with one common surety for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(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/-

17/05/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

RMK

TO

- 1 THE JUDICIAL MAGISTRATE
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THENI TOWN POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SUSIKUMAR C Advocate SR.No.7556

+1. CC to M/S.SUSIKUMAR C Advocate SR.No.7557 DT 18/05/2023

ORDER

IN

CRL OP(MD) No.8921 of 2023

Date :17/05/2023

SS/MMS/SAR-III/18.05.2023/ **3P/ 7C**