



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2023

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PRESENT

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

CRL OP(MD) . Nos.11607 and 11629 of 2023

Sanguuthayakumar @ Uthayakumar,

... Petitioner/Accused No.7 in Crl.O.P(MD)
No.11607 of 2023

1. Velu@ Velukrishnan
2. Athimoolam

... Petitioners/Accused No.5&6 in Crl.O.P(MD)
No.11629 of 2023

Vs

The Inspector of Police,
CBCID Police Station, South, Sivagangai,
Sivagangai District.
Crime No.1 of 2023..

... Respondent/Complainant in both
petitions

(In Crl.O.P(MD) No.11607 of 2023)

For Petitioner : M/s.S.Anantha Murugan,
Advocate.

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

(In Crl.O.P(MD) No.11629 of 2023)

For Petitioner : M/s.S.Sureshkumar,
Advocate.

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



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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A7,5 and 6 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 211,384,389 and 306 of IPC in Crime No.1 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the other accused said to have extorted a sum of Rs.50,00,000/- from the victim namely deceased by promising him to withdraw the case registered against him in Crime No.4 of 2021 on the file of the Inspector of Police, All Women Police Station, Devakottai, Sivagangai District under the POCSO Act on the complaint give by one minor (xxxxx) D/o. Saravanan. Subsequently keep on torturing him to give more money for the same reason and due to the above said harassment the deceased committee suicide by hanging at the residence of his brother -in -law, hence the case.

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

4. It is seen that there are totally 12 accused in this case and the petitioners herein are arrayed as A7,5 and 6. The case of the prosecution is that the deceased had illegal intimacy with the wife of the third accused. Therefore the daughter of the third accused lodged complaint as against the deceased under the provisions of SC/ST Act. Thereafter the deceased filed petition for direction before this Court for surrender and the same was dismissed by this Court vide order dated 20.01.2022 in CrI.O.P(MD) No.399 of 2022. Thereafter A1 to A5 with the help of other accused demanded huge amount from the deceased. They also threatened to usurp the properties owned by the deceased, therefore the petition for anticipatory bail was dismissed by this Court. In so far as the petitioners are concerned they belong to political party and even according to the case of prosecution they also helped the other accused persons while demanding money. That apart they protested to register a case under the provision of SC/ST act and POCSO Act as against the deceased on the complaint lodged by the daughter of the third accused. Further it is also seen that the wife of the third accused filed partition suit as against her husband. That was also decreed and there was family dispute in respect of property also. The first accused is the own brother of third accused. Now the deceased committed suicide only because of the humiliation given by



it does not amount that the petitioners instigated/abused the deceased to commit suicide. That apart the petitioners were issued notice under section 41(A) of Cr.P.C for conducting enquiry. Therefore custodial interrogation of the petitioners does not required in this case. Taking into consideration all the above facts and circumstances of the case 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 No.II, Sivagangai 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, daily at 10.30 a.m., and 5.30 pm., for a period of four weeks and thereafter as 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 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/-
27/06/2023

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/07/2023

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



1. The Judicial Magistrate No.II, Sivagangai
2. do through The Chief Judicial Magistrate,
Sivagangai.
3. The Inspector of Police,
CBCID Police Station, South, Sivagangai,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.11607
and 11629 of 2023
Date :27/06/2023

DL/(03.07.2023)/ 4P/5C