



CRL OP(MD)No.16941 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.Ashokkumar

2.Selva @ Selvakani

3.Manojkumar @ Manithaneyam

4.Thangaraj

5.Mohan

... Petitioners/ Accuse No.1 to 5

Vs

The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.283 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.S.Veerapandi Selvaraj,
Advocate

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

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



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PRAYER :-

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For Anticipatory Bail in Crime No.283 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 387 IPC in Crime No.283 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant asked the petitioners to remove the political pictures in the defacto complainant's property, the petitioners threatened the defacto complainant by demanding a sum of Rs.3,00,000/- and they forcibly taken the amount and hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. There was delay in registering FIR and hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that this is second petition for anticipatory bail and the first petition was dismissed only on 31.08.2023 and hence, he opposed to grant anticipatory bail to the petitioners.

5.Heard both side and perused the materials available on record.



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6. Considering the rival submissions on either side and considering the fact that there was delay in registering FIR and considering the nature of charges levelled as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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.2, Sivakasi 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall stay at Thirumangalam and report before the Inspector of Police, Thirumangalam Town Police Station daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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



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by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
20/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
THIRUMANGALAM.



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+1. CC to M/S.VEERAPANDI SELVARAJ S Advocate SR.No.13917

ORDER
IN
CRL OP(MD) No.16941 of 2023
Date :20/09/2023

SS/VRS/27/09/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023