



CRL OP(MD). No.18753 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Honourable Mr.Justice V.SIVAGNANAM

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1.V.Srinivasan,
2.Jeganathan @ Janarthanan,
3.V Ramachandran,
4.N.Stalin @ Stalinkumar

... Petitioners/ Accused Nos.1, 2, 4 & 5

Vs

State Rep.by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
(Crime No.403/2023).

... Respondent/Complainant

For Petitioners : Mr.R.Anand, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.403/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1, A2, A4 and A5, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 147, 120B, 294(b), 323, 506(i) and 379 of IPC in Crime No.403 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the President of Society consisting of Yadava Community People and the accused No.4 was the Treasurer. It is alleged that during the course of their administration, the accused No.4 is said to have failed to give account for a sum of Rs.15,000/- from the fund collected and kept by the association. When it was asked, the accused No.4 voluntarily resigned from his office bearership. On 25.09.2023, at 07.30 a.m, when the defacto complainant has gone to the shop run by the accused No.4 for the purpose of collecting the accounts maintained by the accused No.4, the other accused persons came inside the shop and they are also said to have snatched the mobile phone of the defacto complainant and a chain too. They are said to have confined him in the shop itself. However, at the intervention of the nearby people, he was rescued. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) appearing for the



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respondent police would submit that it is case in counter and in this case, investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

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

6. Considering the facts and circumstances of the case and taking into consideration the principle stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the alleged offence against the petitioners is not a case of heinous crime. Further, the petitioners are having permanent resident at Tirunelveli District. Hence, the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the



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petitioners. 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.IV, Tirunelveli on condition that the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 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 trial Court on summons.

[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



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

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

sd/-
30/10/2023

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/11/2023

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

skn
TO

1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.18753 of 2023
Date :30/10/2023

RS/VRS/SAR-(02.11.2023) 5P 5C
Madurai Bench of Madras High Court is issuing
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