



CRL OP(MD). No.20041 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Giftonpaul

2. Raglant

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
Crime No. 1198 of 2023.

... Respondent/Complainant

Manohar @ Manohar Thangaraj

... Petitioner/ Proposed 2nd Respondent/
De-facto Complainant
in CRL.MP(MD)No.16169 of 2023
in CRL OP(MD). No.20041 of 2023

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

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

For intervenor : Mr. K.Vinayagan, Advocate



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PRAYER :-
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For Anticipatory Bail in Crime No. 1198 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners / accused, who apprehend at the hands of the respondent police for the offences punishable under Sections 294(b), 379 and 506(i) IPC in Crime No.1198 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous motive, the petitioners herein entered into the office of the defacto complainant and taken away the computer power unit with an intention to prevent the others from inspecting the inward transaction done by him through the said computer. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that there are two rival groups between the diocese and the head of the diocese gave a letter to the respondent police not to interfere with internal matter and also not to take action against the complaint given by the defacto complainant.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the said fact is admitted by the respondent police.

5. Considering the submissions made by either side and also taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal Kamlendra 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 offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residents at Thirunelveli. 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.

6. 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.I, Thirunelveli on condition that the petitioners shall execute own bonds 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 appear before the trial Court on receipt of summons as directed by the trial Court.

[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

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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].

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

sd/-
20/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.I, Thirunelveli.
2. -do-Through The Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.R.ANAND, Advocate (SR-18067[I] dated 20/12/2023)

+1. CC to M/S.K.VINAYAGAN, Advocate SR.No.18127(I)

ORDER

IN

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Date :20/12/2023

RD(29/12/2023) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.