



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.23034 of 2022

WEB COPY

1. Sreenivasan

2. Siva @ Sivakumar

... Petitioners/Accused Nos.4&7

-vs-

The State represented by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.
(Cr.No.336 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.336 of 2020 on the file of the respondent Police.

For Petitioners

: Mr.E.Balasubramanian

For Respondent

: Mr.M.Veeranthiran

Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 448, 294(b), 323, 427 and 506(ii) IPC in Crime No.336 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Santhi, is that due to business motive, the accused have trespassed into her house and abused and assaulted her with wooden log and iron rod and also caused damage to her car bearing Reg.No.TN-63-Y-9444. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners are arrayed as A4 and A7. He would further submit that there was a previous enmity between the A1 and the de-facto complainant on account of business transactions and thereby, a false complaint has been given. He would further submit that the incident had happened during 2020 and that an exaggerated and a false complaint has been given against the petitioners. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them.



4.The learned Government Advocate (crl.side) would submit that that the petitioners along with other accused have trespassed into the de-facto complainant's house and they abused and attacked the de-facto complainant and also caused damage to her car. Hence, he would oppose to grant anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Thirumayam, Pudukottai District, on condition that the petitioners shall execute 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. the second petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter every Saturday at 10.30 am until further orders.

[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 FII registered under Section 229A IPC.

sd/-
02/01/2023

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

CMR

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BALASUBRAMANIAN.E, Advocate (SR-22[I] dated
02/01/2023)

ORDER
IN
CRL OP(MD) No.23034 of 2022
Date :02/01/2023

USK/VR/SAR-IV/09.01.2023/3P/6C