



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9588 of 2020

S.Chokkar

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
Cr.No. 773 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Selvam,
for M/S.S.Muthukumar,
Advocate.
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

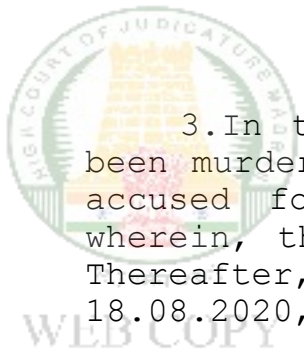
PRAYER :-

For Anticipatory Bail in Cr.No.773 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 294(b), 506(ii) and 120(b) of I.P.C., in Crime No.773 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.This petitioner is an advocate. The case of the prosecution is that there was a civil dispute between the defacto complainant and A1 regarding purchasing a coconut thope, in which, the petitioner and other accused persons said to have abused the defacto complainant and criminally intimidated him and also hatched conspiracy to murder the defacto complainant. Hence, the present complaint has been given by the defacto complainant, on 10.02.2020, and the same was pending as CSR and the enquiry was conducted by the respondent Police.



3. In the mean time, the defacto complainant in this case has been murdered and another crime has been registered against all the accused for the offence under Section 302 and other offences, wherein, the petitioner was also implicated as one of the accused. Thereafter, now the First Information Report has been registered on 18.08.2020, based on the complaint, dated 10.02.2020.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

5. The learned counsel appearing for the petitioner submitted that the complaint has been given in the Month of February, which was kept pending for more than six months, and only in order to implicate the petitioner, in the subsequent murder, this case has been registered by the respondent Police in the Month of August and the petitioner has been falsely implicated in this case. He further submitted that the similarly placed accused already granted anticipatory bail by this Court, in Crl.O.P.(MD).No.8688 of 2020, dated 24.08.2020. Hence, he seeks anticipatory bail.

6. The learned Government Advocate (criminal side) appearing for the respondent police submitted that when the earlier complaint was pending enquiry, the defacto complainant himself was murdered, hence, the First Information Report was registered.

7. Considering the facts and circumstances of the case and considering the fact that the occurrence said to have taken place in the month of February, subsequently, the defacto complainant himself was murdered in the month of August. After six months, this case has been registered. Considering the above circumstances and similarly placed accused already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Uthamapalayam, Theni District, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.



(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9588 of 2020

Date : 10/09/2020