



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9705 of 2020

1. Bangaru Rajan @ Rajan
2. Selvan
3. Peter Raj @ Peter ... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.179/2020. ... Respondent/Complainant

For Petitioners: Mr.S.R.Anbarasu,
Advocate.
For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.179/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 427 and 506(ii) of IPC, in Crime No.179 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 19.08.2020, while the petitioner was travelling in a car, the petitioners said to have waylaid the defacto complainant and damaged the car. Thereafter, the petitioners said to have trespassed into garden of the defacto complainant and damaged the fence and also coconut trees and also criminally intimidated him. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the defacto complainant is politically powerful person. He further submitted that due to previous enmity, with the help of the Inspector of Police, respondent Police Station a false case has been foisted against the petitioners. He further submitted that the second petitioner was murdered by the defacto complainant with the help of the Inspector of Police, Thattarmadam Police Station and they are arrayed as A1 and A2 in that case. Hence, he seek anticipatory bail.

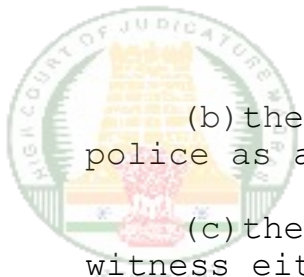
5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to previous enmity, the occurrence said to have taken place.

6. Pending the petition, the second petitioner said to have murdered by this defacto complainant and others. Hence, this criminal original petition is dismissed in respect of the second petitioner.

7. Considering the facts and circumstances of the case and also considering the rival submissions on either and on perusal of the materials available on records, it is seen that the second petitioner said to have murdered by the defacto complainant with the help of the Inspector of Police, Thattarmadam Police Station and they are arrayed as A1 and A2, insofar as the petitioners 1 and 3 are concerned, the only allegation against them is that they have damaged the car and fence of the defacto complainant and the value of the damage is not mentioned in the FIR, considering all those circumstances, I am inclined to grant anticipatory bail to the petitioners 1 and 3 with certain conditions.

8. Accordingly, the petitioners 1 and 3 are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Sathankulam, Thoothukudi District, on condition that the petitioners 1 and 3 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 1 and 3 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 petitioners 1 and 3 shall report before the respondent police as and when required for interrogation.

(c)the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 and 3 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 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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/ petitioners 1 and 3 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/09/2020

/ TRUE COPY /

/ /2020
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, SATHANKULAM, THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE, THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9705 of 2020
Date :21/09/2020