



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11517 of 2020

Raja ... Petitioner/5th Accused

Vs

State Rep. by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
(Crime No.278/2020). ... Respondent/Complainant

For Petitioner : M/s.A.Arunprasad,
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 Crime No.278 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A-5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 448, 302 & 149 of I.P.C., in Crime No.278 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there are civil dispute between the accused persons and the deceased. Therefore, the accused persons said to have attacked the deceased and murdered him. Hence, the complaint.

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

4.The learned counsel appearing for the petitioner submitted
<https://hcs.echis.gov.in/hcservices/> the petitioner is brother of A-1 to A-3 and their land and the



deceased land are adjacent and with regard to irrigation of paddy there was dispute between both the family and as such A-1 to A-3 along with other accused persons assaulted the deceased and murdered. He further submitted that insofar as the petitioner is concerned he happens to be a brother of A-1 to A-3 and he has nothing to do as alleged by the prosecution. He further submitted that the petitioner is practicing as Advocate and absolutely there is no piece of evidence to show that he conspired with the other accused persons to commit murder of the deceased. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that totally there are nine accused in which the petitioner is arrayed as A-5 and only on the instigation of the petitioner the other accused persons have committed the offence of murder.

6. It is seen from the records that there is a civil dispute pending between petitioner's family and the deceased family with regard to irrigating of paddy field.

7. Considering the facts and circumstances of the case and considering the fact that there is civil dispute is pending between the petitioner's family and the deceased family and the custodial interrogation of the petitioner is not required, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Orathanadu, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 daily at 10.30 a.m., without fail, until further orders;

(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

<https://hccourts.courts.gov.in/Kse6/has> *Govindarajan P. In/ Kse6/has* 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/-
16/10/2020

WEB COPY

/ 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,
ORATHANADU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11517 of 2020
Date :16/10/2020

ksa
JM/PN/SAR III/03.11.2020/3P/5C