



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

Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11983 of 2020

1. Sakthivel
2. Lingeswaran @ Lakshmana Perumal
3. Mathi
4. Gopi
5. Veerasubramani @ Poopandi ... Petitioners/Accused No.7 to 11

Vs

State Rep. by
The Inspector of Police,
Paramakudi Police Station,
Ramnad District.
(Crime No.426/2020). ... Respondent/Complainant

For Petitioners : M/s.C.Jeganathan,
Advocate.

For Respondent : Mrs.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

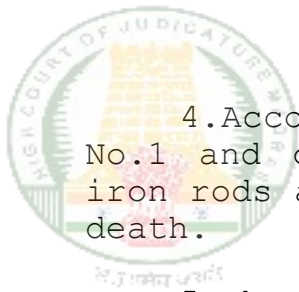
For an Anticipatory Bail in Crime No. 426 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2.This is a petition for anticipatory bail.

3.According to the petitioners, the defacto complainant, namely, Durairaj, had given a complaint before the respondent police, alleging that there are some civil dispute pending amongst the family members of the accused No.1, regarding the property. It is also his case that a suit filed by the defacto complainant has also been decreed in his favour.



4. According to the defacto complainant on 05.08.2020, Accused No.1 and others have attacked the defacto complainant's son with iron rods and he sustained grievous injuries, which resulted in his death.

5. The case was registered against the accused Nos. 1 to 6 in Crime No.426 of 2020 for the alleged offences punishable under Sections 147, 148 and 302 of I.P.C, on the file of the respondent police.

6. The learned Senior Counsel appearing for the petitioners would submit that under the original F.I.R, registered in Crime No.426 of 2020, the name of the petitioners does not find place. According to him, only on the confession statement of the accused Nos.1 to 6 in Crime No.426 of 2020, the prosecution has amended the FIR and included the name of the petitioners. According to the petitioners, they are innocents and they have been falsely implicated in this case. It is also submitted by the learned Senior Counsel appearing for the petitioners that A1 to A6 have already been released on bail by the learned District and Sessions Judge, Ramnad in Crl.M.P.Nos.2132 and 2230 of 2020.

7. This fact has also been admitted by the learned Government Advocate (Criminal Side) appearing for the respondent police.

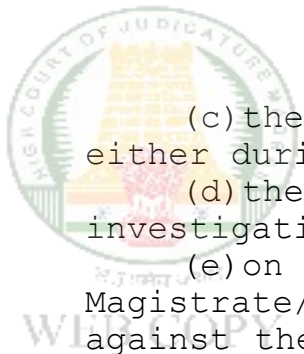
8. Further, it is contended by the learned Senior Counsel that the investigation in this case has almost been completed and therefore, there is no necessity for custodial interrogation of the petitioners.

9. After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioners, subject to the fulfillment of the following conditions:

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that the petitioners shall execute a 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 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 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 shall report before the respondent police daily at 10.30 a.m without fail for a period of two weeks and



(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]; and;

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

sd/-
22/10/2020

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/ /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,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
PARAMAKUDI POLICE STATION, RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11983 of 2020
Date :22/10/2020

tsg/das
JM/PN/SAR IV/28.10.2020/3P/5C

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