



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Second day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12653 of 2021

K.MANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT
CR NO. 214/2021

[RESPONDENT]

For Petitioner : MR.K.K.RAMAKRISHNAN, Advocate for M/S.P.T.RAMADEVI

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 342, 323, 302, 506(ii) of IPC in Cr.No.214 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have hired van to the cooligans from Southern District to commit murder of the deceased.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel would further submit that the petitioner is running tourist cabs in the name of 'Santhosiya Travels' in Thanjavur District and is eking his livelihood through the cabs income.

4.The learned counsel appearing for the petitioner would further submit that on 18.06.2021, one Senthurpandi, the Inspector of Police, Muthupettai Police Station took the petitioner to the police station and enquired about the petitioner's vehicle and ascertained the ownership over the said vehicle. Thereafter, he demanded a sum of Rs.2 Lakhs from the petitioner and after receipt of the said amount,



the Inspector of Police again demanded a sum of Rs.3 Lakhs and since the petitioner expressed his inability, he was implicated in the present case.

5.The learned counsel appearing for the petitioner would further submit that aggrieved by the action of the Inspector of Police, the petitioner has lodged complaint before the Director of Vigilance and Anti-Corruption and also filed W.P.No.14726 of 2021 before this Court. The learned counsel further submitted that the earlier, the petitioner was involved in 5 cases during the year 2012 and prior to that and all the cases ended in acquittal and thereafter the petitioner has not committed any offence. Accordingly, she prayed for grant of anticipatory bail to the petitioner.

6.The learned Government Advocate submitted that the petitioner is arrayed as A23 in the case and further submitted that communal clash is prevailing in the locality and vehemently opposed for grant of anticipatory bail to the petitioner, however, he fairly conceded that the previous cases registered against the petitioner ended in acquittal.

7.Considering the fact that though the petitioner was involved in 5 cases during the year 2012 and prior to that, all the cases ended in acquittal and thereafter no case was registered against him prior to this case and since the petitioner has lodged complaint before the Director of Vigilance and Anti-Corruption as against the action of the Inspector of Police, Muthupettai Police Station and also filed W.P.No.14726 of 2021 before this Court, this Court is inclined to grant anticipatory bail to the petitioner, however with stringent conditions, since communal clash is prevailing in the locality.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi, Thiruvarur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall stay at Madurai and shall report before the Vilakkuthoon Police Station daily at 10.30 a.m. 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 Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

-sd/-

02/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.T.RAMADEVI Advocate on payment of necessary
charges SR.NO. 8030

CRL OP.12653/2021

Date :02/08/2021

RW 06/08/2021