



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15297 of 2021

ESAKKI @ ESAKKIRAJA

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.RAMADEVI P.T. Advocate

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

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

ORDER : The Court Made the following order :-

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

2. The case of the prosecution is that there was a dispute between two communities. The petitioner belongs to one community and the deceased belongs to other community. It is further alleged that the petitioner has hired cooligans from the southern District to commit murder of the deceased. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that initially his name is not arrayed as accused and



thereafter, based on the confession statement of the co-accused, he has been implicated in this case. He further submits that in an earlier occasion, the petitioner has been implicated for the offence under Section 153-A, 294(b), 505(1)(b) and 506(i) of IPC and due to political motive, the said case has been foisted against him. However, the Sessions Court, Thoothukudi has granted bail to the petitioner in CrI.MP.No786 of 2021 dated 25.02.2021. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submits the co-accused was enlarged on bail by this Court in CrI.OP.No.12653 of 2021 dated 02.08.2021. However, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the co-accused was enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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 report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/09/2021

WEB COPY

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVALUR DISTRICT.

+1 CC to M/S.RAMADEVI P.T. Advocate on payment of necessary charges SR.NO.9774

CRL OP.15297/2021

Date :07/09/2021

RW 21/09/2021