



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18844 of 2021

CHANDRAN @ CHANDRASEKARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT..
(CRIME NO.302 OF 2021)

[RESPONDENT]

For Petitioner : M/S.P.PANDIYARAJ, Advocate

For Respondent : MR.C.E.PRATAP, 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 under Sections 147, 148, 294(b) and 302 of IPC in Cr.No.302 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a boundary dispute between the accused persons arrayed as A1 to A4 and the de-facto complainant/deceased, due to which the petitioner along with other accused persons alleged to have poured the kerosene over the victim and set ablaze and as a result of which the de-facto complainant/deceased sustained grievous burn injuries and died in the hospital. Hence, the law enforcing agency registered a case against the petitioner based on the complainant lodged by the de-facto complainant/deceased.



3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner went along with other accused persons only to resolve the civil dispute and he also submitted that the co-accused have been released on bail in Crl.O.P.No.15305 of 2021 dated 13.09.2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submits that the petitioner went to the de-facto complainant's place along with other accused persons and threatened the de-facto complainant with dire consequences. He further submitted that there is no serious allegation made against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that there is no specific allegation made against the petitioner except that the petitioner threatened the de-facto complainant/deceased, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchengodu, Namakkal 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 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/-
07/10/2021

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,
THIRUCHENGODU, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ELACHIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.PANDIYARAJ, Advocate on payment of necessary charges SR.NO.11173

CRL OP.18844/2021

Date :07/10/2021

JPA 25/10/2021