



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21272 of 2021

1 VELMURUGAN
2 MANI @ SARAVANAN

[PETITIONERS / ACCUSED]

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.1148 OF 2021

[RESPONDENT]

For Petitioner : M/S W.CAMYLES GANDHI Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Cr1.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 448, 294(b), 324, 506(ii) of IPC r/w 3(1) of TNPPDL Act, 1984 in Cr.No.1148 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Defacto complainant is 2nd wife to his husband. In view of the difference of opinion in martial life, her husband is living with her. Meanwhile, the 1st wife's son was resided in the house of the defacto complainant and after his demise, the defacto complainant is residing with her family. While things remain so, the first accused viz., Anbarasu accompanied with other accused and petitioners herein approached the defacto complainant for the loan amount procured by the said Balaji, who is the son of the 1st wife to the defacto complainant's husband. The defacto complainant denied the debt and aggravated by her denial, the accused persons and the petitioners herein accompanying with the 1st accused had damaged the property of the defacto complainant and



also attacked the defacto complainant and his family members and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not been committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that after the confession statement of one of the co-accused in the aforesaid Crime Number, the petitioners name were included in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that totally there are 8 accused persons involved in this case and the investigation is almost completed. He further submits that A1 in this case was arrested and remanded to judicial custody. He further submits that in the FIR the first petitioner's name has been mentioned as Samuel Velmurugan, but, in the anticipatory bail petition, the first petitioner's name has been mentioned as Velmurugan. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner. With regard to the name of the first petitioner, it has been wrongly mentioned as Velmurugan in the petition and there is no ID proof is produced before this Court, hence, this Court is not inclined to grant anticipatory bail to the first petitioner.

6.Accordingly, the second 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, Rasipuram, on condition that the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the second 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 second petitioner shall report before the respondent police on every Friday at 10.30 a.m, until further orders;

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the second petitioners stands ordered.

-sd/-

12/11/2021

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,
RASIPURAM, NAMKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.12712

CRL OP.21272/2021

Date :12/11/2021

RW 18/11/2021