



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

Date : 20/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.679 of 2021

W.Johnson Christopher ... Petitioners/Accused No.7

Vs

State Rep. by
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
Crime No.09/2021.

... Respondent/Complainant

For Petitioner : Mr.Satish.G.R.,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.09 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 143, 294(b), 307 and 336 of IPC, and Section 3 of TNPPDL Act, in Crime No.9 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as driver in East Man Baniyan Company situated at Viruthalaipatti, Vendasandhur Taluk. On 07.01.2021, at about 1.50 p.m the defacto complainant drove the van belonging to the company for picking up the employees of the company. When the vehicle was crossing the Government Hospital, Oddanchathiram at about 2.40 p.m a group of persons involved in road roko stopped the company van, and the vehicle was seized by the defacto complainant. When the defacto



complainant asked the protestors to give way to the van, they have thrown stones and wooden log on the van and assaulted him. Hence, the present complaint.

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

4. The learned counsel appearing for the petitioner submitted that one Jeyasri, who was working in the mill was murdered by a co-worker in connection with a love affair. At the time of occurrence, when the defacto complainant crossed the Government Hospital, Vendasandhur, a group of persons, who were protesting there seeking justice for the death of the said girl viz., Jeyasri, in heat of passion picked up a quarrel with the driver of the company's vehicle. He further submitted that that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

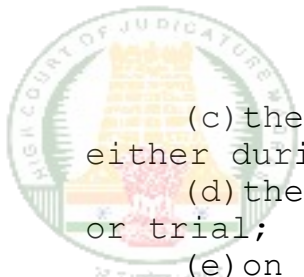
5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that on the date of occurrence at about 2.40 p.m a group of persons involved in road roko and they stopped the company van, which was driven by the defacto complainant. When the defacto complainant asked the protestors to give way to the van, they have thrown stones and wooden log on the van and assaulted him. Hence, the crime has been registered against the petitioner and others.

6. Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegation levelled against the petitioner and the incident had taken place in a heat of passion, due to murder of one Jeyasri, a employee of the company in the company premises, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddanchatram, 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 to 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 Magistrate 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 as <https://helpline.mca.gov.in/helpline> 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/01/2021

/ TRUE COPY /

/ /2021
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, ODDANCHATRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.R.SATHISH, Advocate (SR-341[I] dated 21/01/2021)

ORDER
IN
CRL OP(MD) No.679 of 2021
Date :20/01/2021

vsg
JM/VR/SAR I/29.01.2021/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>