



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1319 of 2021

Kodi ... Petitioner/Accused No.1

Vs

State rep.by its
The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
Crime No.64 of 2021. ... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
Advocate.
For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

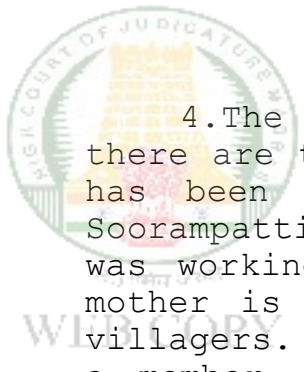
PRAYER :- For Anticipatory Bail in Crime No.64 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 341, 324, 120(B) and 307 of IPC, in Crime No.64 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein along with other accused said to have abused the defacto complainant and assaulted him with deadly weapons and caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is an innocent and a false case has been foisted against the petitioner. He would also submit that co-accused in this case was granted bail by this Court, hence he seeks anticipatory bail.



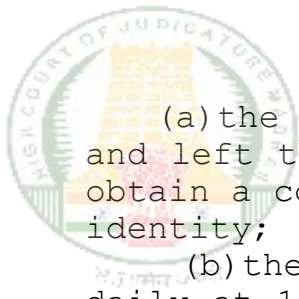
4.The learned Additional Public Prosecutor would submit that there are totally 11 accused in this case, in which, the petitioner has been arrayed as A1. The petitioner is the President of Soorampatti Village, A2 is the close friend of the petitioner. A3 was working as Clerk under the petitioner in the Panchayat. A4's mother is working in the Serakudi Panchayat. A5 to A11 are the villagers. The defacto complainant/injured is a social activist and a member of 10ருபாய் இயக்கம். He used to send complaint about the mismanagement and the forgery committed by the local Panchayat President and other officials. The petitioner and A4 are doing some illegal activities. Finding that the defacto complainant is the obstacle for their illegal work had engaged A2 and who in turn arranged A5 to A11 in this case to do away the life of the defacto complainant and assaulted him, in which he sustained injuries and taking treatment.

5.On perusal of the materials available on records, It is seen that the petitioner is running a Trust in the name and style of Green Farmers Trust and he is doing social activities feeding elders. Further, One shobana has lodged a complaint against Aravindan and Paramasivam and the same has been registered in Crime No.86 of 2017 for the offence under Sections 294(b), 324, 307 and 506(ii) of IPC. It is also seen that one Subramaniyan has lodged a complaint against the defacto complainant and the same has been registered in Crime No.201 of 2018 for the offence under Sections 294(b), 323, 324 and 506(i) of IPC, alleging that the defacto complainant herein has received a sum of Rs.2 lakhs from the said Subramaniyan and thereafter, he had not repaid the said amount and the said Subramaniyan has lodged a complaint under Section 138 of Negotiable Instrument Act, due to which, the defacto complainant and others were said to have entered into the shop of the said Subramaniyan and assaulted him with steel rod. It is also seen that the defacto complainant used to send complaint about the mismanagement and the forgery committed by the local Panchayat President/petitioner and other officials.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital and co-accused have already been granted bail by this Court, 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 Judicial Magistrate Court, Musiri, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned

<https://hcservices.courts.gov.in/hcservices> 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/03/2021

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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, MUSIRI.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, MUSIRI, TRICHY DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.1319 of 2021

Date : 04/03/2021

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vsg

<https://hcs.mca.gov.in/Services/09/03/2021> 3P / 5C