



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

Date : 23/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.2505 of 2021

Kalanthar Naina

... Petitioner/Accused
Rank Not Known

Vs.

The State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
Crime No.1011/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

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

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

PRAYER :-

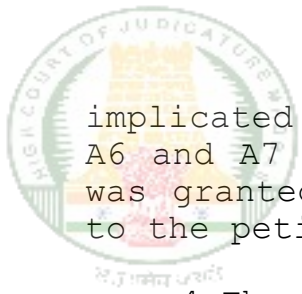
For Anticipatory Bail in Crime no.1011 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 & 324 IPC altered into Sections 302, 324, 120(b) & 109 IPC in Crime No.1011 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was some previous enmity between the son of the defacto complainant and the accused persons, due to which, the petitioner herein and other accused attacked the deceased with deadly weapon and caused severe injuries and due to the same the deceased died. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted 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. He further submitted that A1, A2, A3, A5, A6 and A7 were arrested and released on bail and anticipatory bail was granted to A8. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that there was some previous enmity between the defacto complainant and the accused persons, due to the same, the petitioner and other accused persons conspired together and attacked the deceased with deadly weapon. He further submitted that the petitioner was present in the scene of occurrence and attacked the deceased along with other accused. The petitioner participated in the prior and after to the occurrence. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner was present in the scene of occurrence, he has no overt act as against the deceased. The name of the petitioner is not found place in FIR. It is also seen that there is no previous case against the petitioner.

6.In view of the above, 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, Aranthangi, 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 and on further condition that:

(a)the petitioners 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 appear before the respondent Police daily at 10.30 a.m., until further orders;

(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 were breached 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.

WEB COPY

sd/-
23/02/2021

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

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-1361[I] dated 24/02/2021)

ORDER
IN
CRL OP(MD) No.2505 of 2021
Date :23/02/2021

GNS
TK/VR/SAR.3/26.02.2021/3P/6C