



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

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.3320 of 2021

1. Arun
2. Maharajan ... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli.
Crime No.69 of 2021. ... Respondent/Complainant

For Petitioners: Mr.S.M.Mohan Gandhi,
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.69 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 436 IPC in Crime No.69 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners herein set fire in the hut shed of the defacto complainant's brother.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. 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 the first petitioner herein is a history sheeted accused and having many previous cases and the second petitioner is also having 10 previous cases. He would further submit that the act of the is retaliation to the previous enmity. Hence, he opposed to grant anticipatory bail to the petitioners.

5.It is seen that the first petitioner is a defacto complainant in crime No.86 of 2021, in which, the brother of the first petitioner was murdered, due to that motive, as a retaliation, the petitioners herein set fire on the hut shed of the defacto complainant's brother, who is A6 in Crime No.86 of 2021.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioners 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 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 petitioners shall appear 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/03/2021

/ TRUE COPY /

WEB 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 NO.IV, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION, TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-1991[I] dated 11/03/2021)

ORDER
IN
CRL OP(MD) No.3320 of 2021
Date :09/03/2021

GNS
MS/VR/SAR-2/12.03.2021/3P.6C