



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

Date : 17/03/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD). No.3387 of 2021**

Papanasam ... Petitioner/Accused No.3

Vs

The State Rep.by  
The Inspector of Police,  
Pappakudi Police Station,  
Tirunelveli District.  
Crime No. 412 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.Rajkumar,  
Advocate.

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

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

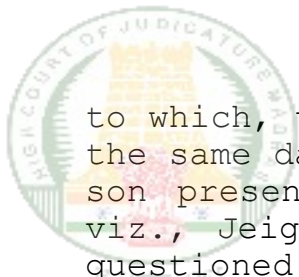
PRAYER :-

For Anticipatory Bail in Crime No.412 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 302 and 506(ii) of IPC, in Crime No.412 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The gist of the case is that on 13.12.2020 Mupidathiamman Kovil Festival was conducted in Rengasamuthiram Villae. The defacto complainant, who is the mother of the deceased viz., Esakkiraja had lodged a complaint. On the date of occurrence, the offerings of the temple are normally given back to the villagers by Nattamai by his wish, which was objected by the deceased and he insisted that the offerings to be auctioned, which was objected by the petitioner, due

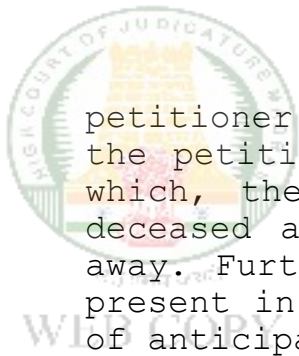


to which, there was some fight, it was happened during day time. On the same day at about 08.00 p.m when the defacto complainant and her son present back to their house, the relatives of the petitioner viz., Jeiganesh/A4, Mariappan/A1, Poovaiah/A2 armed with knife had questioned the deceased for disobeying Nattamai/petitioner and A1 using Aruval had attacked her son on his head and A2 attacked his neck, which was defended by the deceased by his left hand, at that time, he has received cut injury. The deceased had taken knife from A2 in self defence, had attacked A3 and A4, despite the same, A1 had continued attacked on her son and her son fell down, which was witnessed by the defacto complainant and some of her relatives, villagers. Thereafter on seeing the relatives the accused had threatened and escaped from the scene of occurrence. Thereafter, the deceased was taken to the Government Hospital, Ambasamuthram, where he was given first aid, thereafter, referred to Palayamkottai High ground Hospital and on 14.12.2020, at about 03.30 p.m he passed away. 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 the petitioner is the Nattamai of the village and he had offerings of the temple, where he has given to the villagers. The deceased Esakkiraja along with his relatives had raised objection made a scene and disturbed the function and further the deceased Esakkiraja and his relatives Anand and Sankaranarayanan had attacked the petitioner and two others, due to which, the petitioner had sustained injured on his left wrist and on his other parts of the body and thereafter, he had taken treatment at Ambasamuthram Government Hospital. Thereafter, first aid was given to the petitioner and he was later referred to Palayamkottai High Ground Hospital, where he was taken treatment, for which, he had lodged a complaint and FIR has been registered in Crime No.413 of 2020 for the offence under Sections 341, 294(b), 307 and 506(ii) of IPC against the deceased and two others. The case of the defacto complainant is that the petitioner was present when her son was attacked. He further submitted that the petitioner neither carried weapons and nor attacked the deceased. On the other hand, the deceased attacked the petitioner and due to which, he sustained injury and the petitioner was taken hospital for treatment. The petitioner was taken treatment as inpatient from 13.12.2020 to 06.01.2021. The petitioner was badly assaulted and injury in his wrist and other parts of his body. The petitioner being Nattamai, he has been falsely implicated in this case. In this case, co-accused were arrested and subsequently released on bail by the Sessions Judge on 10.02.2021.

5.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that it is a case in counter and the



petitioner being Nattamai of village and the deceased had objected the petitioner in distributing the offerings of the temple. Due to which, the petitioner along with his supporters had attacked the deceased and deceased had sustained fatal injury and later passed away. Further, eye witnesses had spoken about the petitioner being present in the scene of occurrence and hence, he objected for grant of anticipatory bail.

6.It is seen that it is a case in counter and the petitioner had been sustained injury due to attacked by the deceased Esakkiraja and the petitioner had taken treatment as inpatient for nearly 15 days. The case of the prosecution clearly stated that the petitioner was present and he had attacked the deceased.

7.Considering the facts and circumstances of the case and also considering the fact that there is no overt act attributed as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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, Alangulam, Tirunelveli District, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
17/03/2021

/ 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,  
ALANGULAM, TIRUNELVELI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
PAPPAKUDI POLICE STATION,  
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.P.RAJKUMAR, Advocate ( SR-2171[I] dated 17/03/2021 )

ORDER  
IN  
CRL OP(MD) No.3387 of 2021  
Date :17/03/2021

vsg  
AE/SMA/ (25/03/2021) 4P / 6C