



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.3428 of 2021

Senthil @ Senthilkumar ... Petitioner/Accused No.5
-Vs-

State Rep.by
The Inspector of Police,
Mimisal Police Station
Pudukottai District.
Crime No.87 of 2014.

... Respondent/Complainant

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

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.87 of 2014 on the file of the Respondent Police.

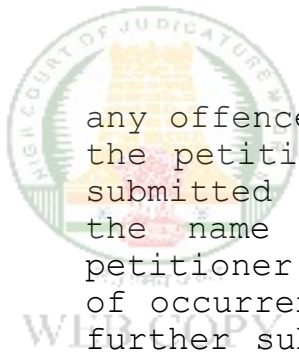
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A5, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 447, 379, 436 and 506(ii) of IPC r/w Section 3 of TNPPDL Act, in Crime No.87 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused persons armed with deadly weapons and trespassed into the defacto complainants' shrimp farm and caused damage to the motors, 6mm PVC pipes, floats, belt wheels, aerators, power engine, TV and Chair, worth about Rs.19,00,000/-. Further, the petitioner and other accused persons said to have abused the defacto complainants by using filthy language and also threatened him with dire consequences.

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

4.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. He further submitted that the petitioner's name was not found place in the FIR. He further submitted that the petitioner's name was incorporated by replacing the name of one Senthil @ Senthilkumar, S/o.Manickam and the petitioner was not present in the scene of occurrence. On the date of occurrence, the petitioner went to catch fishes in deep sea. He further submitted that only statistical purpose, the petitioner 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 totally there are 17 accused in this case, in which, the petitioner has been arrayed as A5. He further submitted that the investigation has been completed and final report has been filed in P.R.C.No.31 of 2015 against all other accused, except this petitioner. Thereafter, the case has been taken on file in S.C.No.86 of 2018 and trial was conducted and so far 7 witnesses have been examined. Insofar as the petitioner is concerned, the case has been split up against him in P.R.C.No.7 of 2018 and the same is posted on 08.03.2021.

6.On perusal of the materials available on records, it is seen that totally there are 17 accused in this case, in which, the petitioner has been arrayed as A5. Originally the FIR in Crime No.87 of 2014 have been registered as against 17 accused, in which, one Senthil @ Senthilkumar S/O,Manickam and another one Senthilkumar S/O,Palanichamy have been arrayed as A5 and A17. Insofar as this petitioner is concerned, the petitioner has not been arrested and no summon was also served to him and he has not aware about the pendency of this case. It is also seen that the investigation has been completed and final report has been filed in P.R.C.No.31 of 2015 against all other accused, except this petitioner. Thereafter, the case has been taken on file in S.C.No.86 of 2018 and trial was conducted and so far 7 witnesses have been examined. Insofar as the petitioner is concerned, the case has been split up against him in P.R.C.No.7 of 2018 and the same is posted on 08.03.2021. It is also seen that the respondent Police has filed alteration report stating that A5 viz., Senthil @ Senthilkumar S/O Manickam , in which the petitioner's father name has been wrongly mentioned and it should be Senthil @ Senthilkumar S/O.Mariappan, which denotes the petitioner.

7.In view of the same, 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, Aranthangi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand) 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 Judicial Magistrate, Aranthangi, on 08.03.2021 and thereafter, he shall appear before the same Court till the completion of committal proceeding without further delay.

(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

/ TRUE COPY /

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-1780[I] dated 04/03/2021)
ORDER IN
CRL OP(MD) No.3428 of 2021
Date :04/03/2021

VSG

<https://hdcvscsrecords.gov.in/records/MS/VP/694/04/05/03.2021/3P.6C>