



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

Date : 23/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD)No.5554 of 2021

WEB COPY

Murugan

... Petitioner/Accused No.A3

Vs

State rep by
The Inspector of Police,
Elumalai Police Station, Elumalai,
Madurai District.
Cr.No. 24 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Palaniyandi Na.,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.24 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 alleged offences punishable under Sections
147, 148, 342, 323 and 302 IPC r/w Section 109 IPC in Crime No.24 of
2020, seeks anticipatory bail.

2.The case of the prosecution is that All in this case gave a
sum of Rs.15,000/- to the defacto complainant's brother to support
one Paulraj in the local body election. However, the said Paulraj
was not succeeded in the election. Therefore, all the accused
persons asked the defacto complainant's brother to return the money
and they said to have attacked the brother of the defacto
complainant with deadly weapons and caused the death of the defacto
complainant's brother. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he did not commit any offence
as alleged by the prosecution. He further submitted that the co-
accused in this case were already arrested and released on bail.

4.The learned Additional Public Prosecutor submitted that the
investigation in this case has been completed.

5.Heard the learned counsel appearing for the petitioner and
the learned Additional Public Prosecutor appearing for the
respondent.



6. It is seen from the submissions made that All in this case gave a sum of Rs.15,000/- to the defacto complainant's brother to support one Paulraj in the local body election. However, the said Paulraj was not succeeded in the election. Therefore, all the accused persons asked the defacto complainant's brother to return the money and they said to have attacked the brother of the defacto complainant with deadly weapons and caused the death of the defacto complainant's brother. It is also seen that the co-accused were arrested and released on bail. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Usilampatty, Madurai 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 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 respondent police daily at 10.30 am., 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

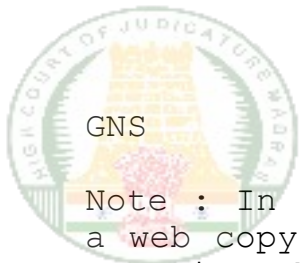
sd/-

23.04.2021

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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 COURT NO.II,
USILAMPATTY,
MADURAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, ELUMALAI,
MADURAI DISTRICT.

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

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-3320[I] dated
23/04/2021)

ORDER
IN
CRL OP (MD) No.5554 of 2021

Date : 23/04/2021

VB SKN SAR I (04/05/2021) 3P / 6c