



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

Date : 22/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.7983 of 2021

Rajenthiran

... Petitioner/Accused No.11

Vs

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

... Respondent/Complainant

For Petitioner : Mr.A.Prasanna Rajadurai,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

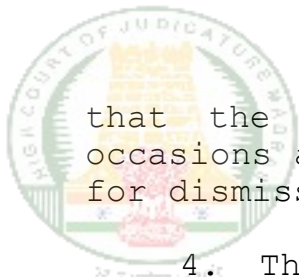
PRAYER :- For Anticipatory Bail in Crime No.24 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 342, 323 and 302 of I.P.C., r/w. Section 109 of I.P.C. in Crime No.24 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The learned Government Advocate(Crl.Side) strongly opposed the same by pointing out several reasons. The case arises under Section 302 of I.P.C. and therefore, this Court should be reluctant to grant the relief of anticipatory bail. He would also point out



that the petitioner had made several attempts on the earlier occasions and all those attempts ended in vain. He therefore pressed for dismissal of this criminal original petition.

4. Though the objections raised by the learned Government Advocate(Crl. Side) are well founded, I must take note of two aspects. I posed a specific question as to whether the investigation is over and final report has been filed.

5. The learned Government Advocate(Crl. Side) fairly submitted that the final report has been filed but it has not been taken on file by the Court below. Be that as it may, any arrest must serve some purpose. If the custodial interrogation of the petitioner will advance the case of the prosecution, then certainly the Court will deny relief to the petitioner. But it is not the case here. Even according to the prosecution, the petitioner is only said to have instigated the commission of the offence.

6. It appears that the petitioner is not having any previous case. He is shown as accused No.7 in the final report. Taking note of the limited role attributed to the petitioner and taking note of the prevalent pandemic situation, I grant anticipatory bail to the petitioner on certain conditions.

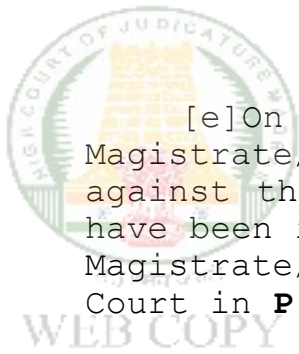
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Usilampatty, Madurai District and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police as and when required for interrogation;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/06/2021

/ 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 NO.II,
USILAMPATTY, MADURAI DISTRICT.
- 2.-DO-THRO'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 Mr.NA.PALANIYANDI, Advocate (SR-4094[I] dated 23/06/2021)

ORDER
IN
CRL OP(MD) No.7983 of 2021
Date :22/06/2021

PMU
AE/MNR/SAR-IV/25.06.2021/3P/6C