



WEB COPY

CRL OP(MD)No.5538 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5538 of 2021

- 1.Tharmar @ Karuppaiah
- 2.Muthuraj
- 3.Pandi @ Karuppaiah
- 4.Aavandi Raja @ Raja
- 5.Muthuvel @ Muthuraj
- 6.Valdar Pandi @ Pandian
- 7.Motta Ramar @ Ramar
- 8.Subburaj
- 9.Murugesan
- 10.Rajendran
- 11.Dinesh @ Dinesh Kumar
- 12.Satheesh @ Satheesh Kumar
- 13.Vijayakumar
- 14.Gurusamy
- 15.Dinesh
- 16.Siva
- 17.Muthupandi
- 18.Kottarai Ravi @ Ravi
19. Ganeshan
20. Nagaraj

... Petitioners/Accused No. 1 to 15, 17,19 to 21 and 23

The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.25/2020)

... Respondent/Complainant

For Petitioners : Mr.V.Kathirvelu
Senior Counsel
for Mr.Prabhu.K.,

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

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

PRAYER :- For Anticipatory Bail in Crime No. 25/2020 on the file of
the respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 427, 294(b), 436 and 506(ii) IPC in Crime No.25 of 2020, seek anticipatory bail.

2.The case of the prosecution is that one Muthaiah was murdered, due to that motive, the accused persons herein went to the house of one Vijayalakshmi and damaged the house and vehicles were set fire by them and they have also threatened the defacto complainant, who is the brother of the said Vijayalakshmi. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) strongly opposed this petition on the ground that A1 is having one previous case in crime No.166 of 2015 and A7 is having two previous cases in crime Nos.86 of 2016 and 63 of 2014 and A15 is having two previous cases in crime Nos.101 of 2016 and 571 of 2016 and A19 & A21 are having one previous case in crime No.63 of 2014. He further submitted that one Muthaiah was murdered and therefore, a case in crime No.24 of 2020 was also registered. The present occurrence was happened as a retaliation to the above said murder and investigation in this case is completed.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.side) appearing for the respondent.

6.It is seen from the submissions made that one Muthaiah was murdered and therefore, a case in crime No.24 of 2020 for the offence punishable under Sections 147, 148, 342, 323, 302 and 109 IPC came to be registered against 15 accused and others. As a retaliation, the house of Vijayalakshmi was damaged and the vehicles were set fire by the accused persons. Therefore, the present case came to be registered. It is also seen that there is previous cases pending against A1, A7, A15, A19 and A21 in this case. Considering the above facts and also considering the fact that the investigation in this case has been completed, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6, 8 to 14, 16, 18, 20 only, since the petitioners 1, 7, 15, 17 and 19, have previous cases and this petition is dismissed so far as the petitioners 1, 7, 15, 17 and 19 are concerned.



7. Accordingly, the petitioners 2 to 6, 8 to 14, 16, 18, 20 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, Madurai District, on condition that the petitioners 2 to 6, 8 to 14, 16, 18, 20 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 2 to 6, 8 to 14, 16, 18, 20 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 2 to 6, 8 to 14, 16, 18, 20 shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioners 2 to 6, 8 to 14, 16, 18, 20 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 6, 8 to 14, 16, 18, 20 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 2 to 6, 8 to 14, 16, 18, 20 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6, 8 to 14, 16, 18, 20 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/-
19/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT.

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

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

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

+1 CC to M/s.K.PRABHU, Advocate (SR-3200[I] dated 19/04/2021)

ORDER
IN
CRL OP(MD) No.5538 of 2021
Date :19/04/2021

AMS/VR/SAR-1/24/04/2021/4P/6C