



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

Date : 11/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7461 of 2021

1. Tharmar @ Karuppaiah
2. Motta Ramar @ Ramar
3. Dinesh
4. Muthupandi
5. Ganeshan

... Petitioners/
Accused No.1, 7, 15, 19 & 21

Vs

State Rep. by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Crime No.25 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Advocate
for Mr.Prabhu.K, Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.25 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A7, A15, A19 and A21, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 427, 294(b), 436 and 506(ii) of IPC in Crime No.25 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the de-facto complainant had gone to his sister's house on 18.01.2020 at about 03.00 p.m., he found the Tractor Swaraj Mastha bearing Registration No.TN-58-BZ-6870 and two Two wheelers bearing Registration Nos.TN-39-6444 and TN-58-BZ-9263 were found in burnt stage. On enquiry, he found that the accused in this case are responsible for burning of



3.The learned counsel for the petitioners would submit that the petitioners are falsely implicated in this case. In fact one Muthaiah was murdered and therefore, a case in Crime No.24 of 2020 for the offences punishable under Sections 147, 148, 342, 323, 302 and 109 of IPC came to be registered against 15 persons. The present incident had happened as a retaliation to the above said murder. The co-accused had been released on anticipatory bail by this Court on 19.04.2021. The petitioners were denied anticipatory bail on the ground that they have previous cases pending against them.

4.The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed this petition on the ground that the petitioners are having previous cases and all the accused in this case set fire to the Tractor and Two wheeler and caused extensive damage. Therefore, he seeks dismissal of this petition.

5.It is true that the earlier anticipatory bail was dismissed against the petitioners for the reason that they have previous cases pending against them. However, it is seen that the case was registered on 18.01.2020 and according to the statement of the learned Government Advocate (Criminal side) in the earlier anticipatory bail petition, the investigation is completed. There is no mention about the value of the damage caused to the vehicles in the First Information Report. Even now there is no material produced to show the value of the damage caused to the vehicles. However, it is a matter to be considered at the time of trial by production of relevant materials to show the value of the damage caused to the vehicles and it is for the trial Court to decide the matter based on the materials produced, on merits.

6.Taking note of the fact that the case is pending in FIR stage from 18.01.2020 and also fact that investigation in this case is completed, this Court is of the considered view that there is no point in keeping this case pending in FIR stage. The petitioners may be granted anticipatory bail with a direction to co-operate with the police for investigation in this case, so that the investigation could be completed and trial commenced.

7.In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Usilampatti within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on their executing 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 said Magistrate and on

<https://hccservices.com/biservices> that:



[a] the petitioners 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 are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Usilampatti;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**;

[g] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/06/2021

/ 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,
USILAMPATTI, MADURAI DISTRICT.

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



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.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7461 of 2021
Date :11/06/2021

sj i
JM/VR/SAR III/15.06.2021/4P/6C