



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.7325 of 2021

Megarajan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.286 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Vishnuram.G.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.286 of 2021 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, 341, 294(b), 323, 324, 506(ii) and 307 I.P.C @ Section 341, 294(b), 323, 324, 506(ii) and 307 I.P.C in Crime No.286 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Managing Trustee of Kamuthi Nadar Sangam and this petitioner is running a shop near Muthumariamman Temple West Gate and used to place the advertisement board in front of his shop and the same was objected by the defacto complainant. On 05.05.2021, there was some wordy quarrel arose between them, due to which, the petitioner and other accused persons have unlawfully assembled and assaulted the defacto complainant and thereby caused injuries. Hence, the



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and there was some dispute with regard to the management of the Sangam, due to that motive, the present false case has been foisted against the petitioner. He further submitted that the name of Accused Nos. 2, 3 and 5 to 7 were deleted in the First Information Report and Accused No.4 was arrested and released by the police on station bail. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (criminal side) would submit that totally there are seven accused in this case. The petitioner is arrayed as Accused No.1. He further submitted that Accused No.4 was arrested and released by the respondent police on Station bail. The name of Accused Nos.2, 3 and 5 to 7 were deleted in the F.I.R and the injured discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kamuthi, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate 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 is directed to deposit a sum of Rs.**2,000/- (Rupees Two Thousand only) 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 his rights and contentions before the trial Court;

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

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

[e]the petitioner 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 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]**;

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

sd/-
17/06/2021

/ TRUE COPY /

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

msa

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

COPY TO
THE OFFICER INCHARGE
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7325 of 2021
Date :17/06/2021

KM:RSK:SAR1(22.06.2021) 3P 6C

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