



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7618 of 2021

K.Selvendhiran

... Petitioner/7th Accused

Vs

The State Rep. by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
(Crime No. 278/2020).

... Respondent/Complainant

For Petitioner : Mr.Arunprasad A,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

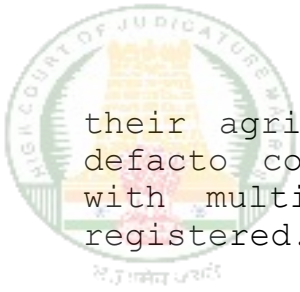
PRAYER :-

Anticipatory Bail in Crime No.278/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,448,302 and 149 of IPC in Crime No.278 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the defacto complainant family and the accused family with regard to taking water for agricultural land using electricity. It is alleged during the previous occasion when the defacto complainant used electricity for taking water the accused has quarreled with him and threatened him. On 08.04.2021 when the defacto complainant was engaged in agricultural activities, Appakannu Nadar had scolded him and asked him to stop the motor. He also told that the defacto complainant that he should use the motor only after they watered



their agricultural land. On 10.04.2021 at about 06.00 am., the defacto complainant was informed that his father was found dead with multiple injuries. Thereafter the complaint came to be registered.

3. The learned counsel for the petitioner submitted that due to previous enmity the petitioner has been falsely implicated in this case and he is innocent. He would further submit that the petitioner has completed Marine Engineering Course. He would further submit that there is no incriminating materials available against this petitioner and no specific overt act has been attributed against the petitioner, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor for the respondent strongly opposed this petition on the ground that investigation is pending. He would further submit that no specific overt act has been attributed against the petitioner at the time of commission of offence.

5. Taking note of the fact that there is no material available as of now in this case to show that there was active role played by the petitioner in the commission of offence ; there is no specific overt act attributed against him ; and also the fact that the case has been registered on 10.04.2020 and the investigation is almost completed and also the fact that one of the accused was granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. 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 learned Judicial Magistrate, Orathanadu 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 the respondent police, daily at 10.30 a.m., 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/-

21/06/2021

/ 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, ORATHANADU.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7618 of 2021

Date :21/06/2021

AAV

TE/AKM/SAR-II : 23/06/2021 : 3P/5C