



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/07/2021

PRESENT
The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8490 of 2021

WEB COPY

1. Mohamed Yasin,

2. Gopi,

... Petitioners/Accused

Vs

The Sub Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District. Cr.No. 759 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M,
Advocate.

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

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

PRAYER :-

Anticipatory Bail in Crime No.759 of 2021 on the file of the
Respondent Police.

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, 148, 118 r/w Section 302, 120B IPC and Section 25(1B)(b) of the
Arms Act, 1959 in Crime No.759 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 17.06.2021, at about
02.30 am., the defacto complainant along with Police party were
engaged in vehicle check on the south bed of the Mahathanaveethi
Veeracholan river. At about 3.00 am., 2 bikes came there from north
to south direction. In the first two wheeler, Mahesh and Manikandan
were occupying the vehicle. In the second two wheeler, the Police
only can apprehend one person and other two persons had escaped. The
person apprehended is Balamurugan. The persons escaped are, Mohamed
Yasin and Gobi. On enquiry and search, the Police found deadly
weapons, viz., knife and aaval in the two wheeler ridden by Mahesh.
The accused informed that due to enmity between group of
Ma.Ka.Stalin and his brother LaliManikandan, they planned to murder
Ma.Ka.Stalin. In this connection, they made arrangement through one
Rounivasal Venkatraman and when they returned with weapons, they
were apprehended by the Police. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case, on the basis of statement of the co-accused.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that though murder has not taken place, the petitioners and other accused are likely to be tried and convicted and sentenced for committing conspiracy to murder one Ma.Ka.Stalin. He further submit that the petitioners have previous case pending against them.

5.This case was registered on the basis of seizure deadly weapons and on the basis of confession statement of the co-accused that all the accused planned to murder one Ma.Ka.Stalin. It is seen that murder had not taken place in pursuance to conspiracy. Except confession statement of the co-accused, there is no materials available against these petitioners. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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 Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur District on condition that the petitioners 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 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 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 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 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]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/07/2021

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

GNS

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 Munsif cum Judicial Magistrate,
Thiruvidaimaruthur, Thanjavur District.
- 2.Do-Through The Chief Judicial Magistrate,
Thanjavur District. At Kumbakonam.
- 2.The Sub Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.8490 of 2021

Date : 19/07/2021

CN(22.07.2021) 3P 5C