



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

Date : 01.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8659 of 2021

1.Kannan @ Mugesh Kannan
2.Sekar
3.Suriya
4.Aravind
5.Manikandan

... Petitioners/Accused No.1 to 5

Vs

The State Represented by,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.211 of 2021

... Respondent/Complainant

For Petitioners : Mr.T.Veerakumar, Advocate

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of TamilNadu
(Criminal Side)

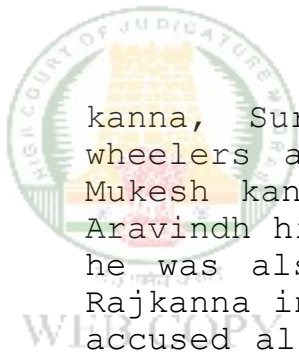
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.211 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, 324 & 506(ii) of IPC in Crime No.211 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused Mukesh Kanna @ Vellai Kanna was involved in selling ganja to the youngsters. On 25.06.2021, at about 05.30 pm, the defacto complainant saw one Sekar @ Tokkar and asked him why he was selling ganja and spoiling the children. On 26.06.2021, at about 10.00 pm, the accused Mukesh Kanna, Aravindh and Surya gave threat to the defacto complainant through phone and asked him why he is bothered about them selling ganja. On 27.06.2021, at about 04.00pm, when the defacto complainant was standing near Sankar's house, the accused Mukesh



kanna, Surya, Kaleeswaran and Sekar @ Tokkar came in two two wheelers and scolded the defacto complainant in filthy language. Mukesh kanna hit him with stone, Surya attacked him with aruval, Aravindh hit him with stone, when that was challenged by Muneeswaran, he was also attacked by the accused. When his brother in law Rajkanna intervened, he was also attacked by Surya with aruval. The accused also criminally intimidated the defacto complainant and his supporters. 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. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor opposed this petition on the ground that investigation is still pending. He further submitted that A1 to A4 have previous cases against them. A5 has no previous case against him.

5.It is seen from the submissions made that the incident happened in connection with selling of ganja to the youngsters of the defacto complainant's village. It is also seen that A1 to A4 have previous cases against them. The details of which are as follows. A1 has two previous cases in Crime Nos.158 of 2018 and 47 of 2020. A2 has one previous case in Crime No.158 of 2018. A3 has three previous cases in Crime Nos.7 of 2019, 56 & 162 of 2020 and 364 of 2021. A4 has 8 previous cases in Crime Nos.364 of 2016, 30 of 2018, 7 & 112 of 2019, 138, 162 & 379 of 2020 and 139 of 2021. Taking into consideration the nature of the offence and the fact that A1 to A4 has previous cases against them, this Court is not inclined to grant anticipatory bail to A1 to A4. However, A5/fifth petitioner has no previous case against him. Hence, considering the fact that injured has been discharged from the Hospital, this Court is inclined to grant anticipatory bail to the fifth petitioner alone. This Criminal Original Petition is allowed in part.

6.Accordingly, the fifth 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 No.I, Ramanathapuram on condition that the fifth 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 fifth 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 fifth petitioner shall report before respondent police daily at 10.30 am., until further orders.

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

[d]the fifth 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 fifth petitioner in accordance with law as if the conditions have been imposed and the fifth 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/-
01/07/2021

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

ORDER
IN
CRL OP(MD) No.8659 of 2021
Date :01/07/2021

mbi

<https://hcmjce.org.in/Files/07.2021/3P/5C>