



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

Date : 19/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9365 of 2021

C.Praveen Kumar, ... Petitioner/7th Accused

Vs

The State rep by
The Inspector of Police,
Othakkadai Police Station, Madurai
District. in Cr.No.390 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Balakarthick S,
Advocate.

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

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

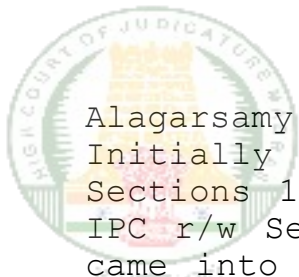
PRAYER :-

Anticipatory bail in Crime No.390 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, 294(b), 447, 427, 323, 324, 506(ii), 379 & 302 IPC r/w Section 4 TNPWH Act altered into Sections 147, 148, 294(b), 447, 427, 323, 324, 506(ii) & 379 IPC r/w Section 4 TNPWH Act in Crime No.390 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that a land admeasuring 64 acres and 55 cents belongs to the defacto complainant's family and the same was encroached by the accused. In this regard, the defacto complainant's father namely Alagarsamy and one Gurusamy took steps before the Court of law and obtained orders in favour of them. In this regard, there was an enmity. Keeping the said enmity on mind, on 14.06.2021 at 17.00 hours, the accused persons unlawfully assembled with deadly weapons and assaulted the defacto complainant, his father Alagusamy, wife of Gurusamy, namely Pichaiammal and one



Alagarsamy was sent to hospital, he was declared as brought dead. Initially FIR was registered against the accused persons under Sections 147, 148, 294(b), 447, 427, 323, 324, 506(ii), 379 & 302 IPC r/w Section 4 TNPWH Act, thereafter as per medical report, it came into light that the said Alagarsamy died due to heart attack and deletion report also filed by the investigation officer deleting the Section 302 IPC and the Section has been altered to under Sections 147, 148, 294(b), 447, 427, 323, 324, 506(ii) & 379 IPC r/w Section 4 TNPWH Act.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused had either been released on bail or anticipatory bail. Therefore, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police though opposed this petition, he produced postmortem certificate of the deceased.

5.Perusal of postmortem certificate shows that nail marks of violence or injuries noted on the body and multiple superficial surface incisions made all over the body reveals nil injuries. It is also seen that offence under Section 302 IPC is deleted from FIR. There is no specific overt act attributed against this petitioner. Considering all these factors, this Court is inclined to grant anticipatory bail to the petitioner.

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, Melur, 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 respondent police daily at 10.30 am., 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/-
19/07/2021

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/ /2020
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 Judicial Magistrate, Melur.

2.The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Othakkadai Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M/S.S.BALAKARTHICK, Advocate (SR-4719[I] dated 20/07/2021)

ORDER IN
CRL OP(MD) No.9365 of 2021
Date : 19/07/2021

TR/VR/SAR-IV (22.07.2021) 3P 6C

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